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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-fifth session
Geneva, 23 April-11 May 2001

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Secretary-General

1. The twenty-fifth session of the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17, will be held at the United Nations Office at Geneva from 23 April to 11 May 2001. The first meeting will be convened on Monday, 23 April 2001, at 10 a.m.

2. The attached provisional agenda and annotations for the twenty-fifth session of the Committee have been prepared by the Secretary-General in accordance with rule 4 of the rules of procedure of the Committee.

3. The attention of the States parties is drawn, in particular, to the annotations to item 6 containing the list of reports that will be before the Committee at its twenty-fifth session.

PROVISIONAL AGENDA

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

6. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

8. Relations with United Nations organs and other treaty bodies.

9. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

11. Miscellaneous matters.

ANNOTATIONS

1. Opening of the session

The twenty-fifth session of the Committee will be opened by the representative of the Secretary-General who will preside over the meeting until the election of the Chairperson of the Committee.

2. Election of officers

In accordance with rule 14 of its rules of procedure, the Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur, with due regard for equitable geographical representation.

3. Adoption of the agenda

Under rule 5 of the rules of procedure, the first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of its officers when required under rule 14. In accordance with rule 6 the Committee, during a session, may revise the agenda and may, as appropriate, add, delete or defer items.

4. Organization of work

In accordance with rule 8 of its rules of procedure, at the beginning of each session, the Committee shall consider appropriate organizational matters, including the schedule of its meetings. In this connection, the attention of the members of the Committee is drawn to the draft programme of work for the session, prepared by the Secretary-General in consultation with the Chairperson of the Committee and in accordance with established practice (E/C.12/2001/L.1).

5. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

The Committee decided at its fourteenth session (28 April-17 May 1996) that as from its fifteenth session its discussions relating to the implementation of the Covenant (NGO hearings, methods of work, consideration and adoption of General Comments, etc.) would be conducted under this agenda item. The Committee decided that its next Day of General Discussion, to be held on Monday, 7 May 2001, during its twenty-fifth session, will be devoted to its consultations with IFIs and Development Agencies: economic, social and cultural rights in the development-related activities of "international institutions".

6. Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 61, paragraph 2, of its rules of procedure, the Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the

order in which they have been received by the Secretary-General. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined; such representatives should be able to make statements on the reports submitted by their Governments and reply to questions which may be put to them by the members of the Committee.

At its twenty-fourth session, the Committee requested the Secretary-General to schedule five reports from five States parties for consideration at its twenty-fifth session.

In accordance with rule 62, paragraph 2, of the Committee's rules of procedure, the Secretary-General has in a note verbale dated 12 October informed the States parties concerned of the opening date and duration of the twenty-fifth session of the Committee, as well as of the dates at which their respective reports will be examined and has invited them to send representatives to attend the meetings of the Committee.

As at 5 January 2001, the reports listed below had been received by the Secretary-General. The reports of the States parties which are scheduled for consideration by the Committee at its twenty-fifth session are identified by an asterisk. The tentative timetable for consideration of those reports, prepared by the Secretary-General in consultation with the Chairperson of the Committee, is contained in document E/C.12/2001/L.1.

Initial reports

Honduras*	E/1990/5/Add.40
China: Hong Kong*	E/1990/5/Add.43
Bolivia*	E/1990/5/Add.44
Nepal	E/1990/5/Add.45
Croatia	E/1990/5/Add.46
Czech Republic	E/1990/5/Add.47

Second periodic reports

Venezuela*	E/1990/6/Add.19
Japan	E/1990/6/Add.21
Republic of Korea*	E/1990/6/Add.23
Panama	E/1990/6/Add.24
Senegal	E/1990/6/Add.25
Algeria	E/1990/6/Add.26
France	E/1990/6/Add.27
Jamaica	E/1990/6/Add.28
Ireland	E/1990/6/Add.29
Trinidad and Tobago	E/1990/6/Add.30

Third periodic reports

Syrian Arab Republic	E/1994/104/Add.23
United Kingdom of Great Britain and Northern Ireland (overseas territories)	E/1994/104/Add.24

Fourth periodic reports

Ukraine	E/C.12/4/Add.2
Germany	E/C.12/4/Add.3
Sweden	E/C.12/4/Add.4
Colombia	E/C.12/4/Add.5

(b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant

In accordance with rule 67 of its rules of procedure, the Committee is entrusted with the task of considering the reports submitted by specialized agencies pursuant to article 18 of the Covenant.

In accordance with rule 68 of the rules of procedure, the representatives of the specialized agencies concerned may make statements on matters falling within the scope of the activities of their respective organization in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies. The Secretary-General has invited the following specialized agencies, United Nations organs and financial institutions to send representatives to attend the meetings of the Committee: International Labour Organization (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), Office of the United Nations High Commissioner for Refugees (UNHCR), World Intellectual Property Organization (WIPO), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Conference on Trade and Development (UNCTAD), Joint United Nations Programme on HIV/AIDS (UNAIDS), International Monetary Fund (IMF), World Bank and the World Trade Organization (WTO).

Any report which may be received from the specialized agencies under article 18 of the Covenant will be made available to the Committee in due course.

7. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant

At its fourteenth session, the Committee on Economic, Social and Cultural Rights, recognizing the importance of periodically reviewing the implementation by States parties of its suggestions and recommendations requested the Secretariat to submit to it, as form the fifteenth session, a document indicating all cases where a follow-up had been suggested by the Committee. In this connection, the attention of the members of the Committee is drawn to document E/C.12/2001/3 which contains the requested information.

8. Relations with United Nations organs and other treaty bodies

The Committee decided at its sixth session to nominate individual members to follow the work of each of the other treaty bodies. Such members are to follow as closely as possible the work of the relevant committees, to liaise where possible with members of these committees and to present an oral report on developments of both a procedural and substantive nature in their work which appeared to be of specific relevance to the work of the Committee (E/1992/23 paras. 371-373)

9. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 59, paragraph 1, of its rules of procedure, the Committee shall at each session consider the status of submission of reports under article 16 of the Covenant and may make appropriate recommendations to the Council, including recommendations to the effect that the Secretary-General should send reminders to States parties from which reports have not been received.

The Committee will have before it under this item the following document:

A note by the Secretary-General on the States parties to the Covenant and the Status of submission of reports (E/C.12/12/2001/2).

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies

Pursuant to rule 64 of its rules of procedure, the Committee may wish to make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also wish to make suggestions for consideration by the Council with reference to articles 19, 22 and 23 of the Covenant.

11. Miscellaneous matters

At its twenty-first session (1999), the Committee decided to inscribe on its agenda a standing item "Miscellaneous matters", under which it may consider any issue falling outside the scope of other standing agenda items.

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COMMITTEE ON ECONOMIC, SOCIAL
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Twenty-fifth session
Geneva, 23 April-11 May 2001

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STATUS OF THE SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY THE ECONOMIC AND SOCIAL COUNCIL IN RESOLUTION 1988/4 AND RULE 58 OF THE RULES OF PROCEDURE OF THE COMMITTEE

Note by the Secretary-General

1. The International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 entered into force on 3 January 1976, three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification, as provided for in article 27 of the Covenant.

2. As at 31 December 2000, the Covenant had been ratified or acceded to by 144 States. A list of States parties as well as information on the status of the submission of reports by States parties, is to be found in the annex to the present document.

GE.01-40070 (E)

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as of 31 December 2000)

A. Initial and second periodic reports

	force	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
1. Afghanistan	24 April 1983	*(Summary records of consideration of reports)*			Overdue		
2. Albania	4 January 1992	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)					
3. Algeria	12 December 1989	Overdue			E/1990/6/Add.26 (Pending consideration)		
4. Angola	10 April 1992	E/1990/5/Add.22 (E/C.12/1995/SR.46, 47 and 48)					
5. Argentina	8 November 1986	Overdue			E/1990/6/Add.16 (E/C.12/1999/SR.33-36)		
		E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35, 36 and 37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)			
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38-40)			Due on 30 June 2001		
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)			Overdue		
10. Bangladesh	5 January 1999	Due on 30 June 2001			Overdue		
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)			
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (E/C.12/2000/SR.64-66)		
14. Benin	12 June 1992	Overdue					
15. Bolivia	12 November 1982	E/1990/5/Add.44 (Pending consideration)					

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
16. Bosnia and Herzegovina	6 March 1993	Overdue					
17. Brazil	24 April 1992	Overdue					
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
19. Burkina Faso	4 April 1999	Due on 30 June 2001					
20. Burundi	9 August 1990	Overdue					
21. Cambodia	26 August 1992	Overdue					
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)			
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	
24. Cape Verde	6 November 1993	Overdue					
25. Central African Republic	8 August 1981	Overdue					
26. Chad	9 September 1995	Overdue					
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
28. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
29. Congo	5 January 1984	Overdue (without report: E/C.12/2000/SR.16 and 17)					
30. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
31. Côte d'Ivoire	26 June 1992	Overdue					
32. Croatia	8 October 1991	E/1990/5/Add.46: Received 4 July 2000					
33. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
34. Czech Republic	1 January 1993	E/1990/5/Add.47. Received 30 August 2000					
35. Democratic People's Republic Of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
36. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41 (E/C.12/1988/SR.16-19)	Overdue		
37. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	
38. Dominica	17 September 1993	Overdue			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
39. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)					
40. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14	E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42)	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
41. Egypt	14 April 1982	E/1990/5/Add.38 (E/C.12/2000/SR.12, 13 and 14)			Overdue		
42. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)					
43. Equatorial Guinea	25 December 1987	Overdue					
44. Eritrea	20 April 1999	Due on 30 June 2001					
45. Estonia	21 January 1992	Overdue					
46. Ethiopia	11 September 1993	Overdue					
47. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
48. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	E/1990/6/Add.27. Received 30 June 2000		
49. Gabon	21 April 1983	Overdue					
50. Gambia	29 March 1979	Overdue					
51. Georgia	3 August 1994	E/1990/5/Add.37 (E/C.12/2000/SR.3, 4 and 5)					

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
52. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
53. Ghana	7 December 2000	Due on 30 June 2002					
54. Greece	16 August 1985	Overdue					
55. Grenada	6 December 1991	Overdue					
56. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
57. Guinea	24 April 1978	Overdue					
58. Guinea-Bissau	2 October 1992	Overdue					
59. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
60. Honduras	17 May 1981	E/1990/5/Add.40 (Pending consideration)					
61. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
62. Iceland	22 November 1979	E/1990/5/Add.6 (E/C.12/1993/SR.29, 30, 31 and 46) E/1990/5/Add.14			E/1990/6/Add.15 (E/C.12/1999/SR.3-5)		
63. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
64. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		
65. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.12 (E/C.12/1994/ SR.11 and 14)
66. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14-16)			E/1990/6/Add.29. Received 25 August 2000		

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
67. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31-33)			Overdue		
68. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
69. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	E/1990/6/Add.28. Received 16 August 2000	
70. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1 SR.12-13)	E/1990/6/Add.21 (Pending consideration)		
71. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (E/C.12/2000/SR.30-31; E/C/12/1/Add.46)		
72. Kenya	3 January 1976	E/1990/5/Add.18			Overdue		
73. Kuwait	31 August 1996	Overdue					
74. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (E/C.12/2000/SR.42-44; E/C.12/1/Add.49)					
75. Latvia	14 July 1992	Overdue			Overdue		
76. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)					
77. Lesotho	9 December 1992	Overdue					
78. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20-21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	Overdue		
79. Liechtenstein	10 March 1999	Due on 30 June 2001					
80. Lithuania	20 February 1992	Overdue					
81. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48 and 49)		
82. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	
83. Malawi	22 March 1994	Overdue					
84. Mali	3 January 1976	Overdue					
85. Malta	13 December 1990	Overdue			Overdue		
86. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)					

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
87. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
88. Moldova	26 March 1993	Overdue					
89. Monaco	28 November 1997	Overdue					
90. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
91. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20 (E/C.12/2000/SR.70-72)		
92. Namibia	28 February 1995	Overdue					
93. Nepal	14 August 1991	E/1990/5/Add.45 (Pending consideration)					
94. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/Add.11 E/1990/6/Add.12 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/Add.13 (E/C.12/1998/ SR.13-17)
95. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24, 25, 26 and 40)			Overdue		
96. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
97. Niger	7 June 1986	Overdue					
98. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-9)			Due on 30 June 2000		
99. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
100. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (Pending consideration)	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (Pending consideration)
101. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)			Overdue		
102. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.15-17)		Overdue		

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
103. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
104. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
105. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
106. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			E/1990/6/Add.23 (Pending consideration)		
107. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
108. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
109. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	
110. Saint Vincent and the Grenadines	9 February 1982	Overdue					
111. San Marino	18 January 1986	Overdue					
112. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	E/1990/6/Add.25 (Pending consideration)		
113. Seychelles	5 August 1982	Overdue					
114. Sierra Leone	23 November 1996	Overdue					
115. Slovakia	28 May 1993	Overdue					
116. Slovenia	6 July 1992	Overdue					
117. Solomon Islands	17 March 1982	Overdue (without report: E/C.12/1999/SR.9; E/C.12/1/Add.33)					
118. Somalia	24 April 1990	Overdue					

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
119. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
120. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)					
121. Sudan	18 June 1986	E/1990/5/Add.41 (E/C.12/2000/SR.38-41; E/C.12/1/Add.48)			Due 30 June 2003		
122. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.11, 15 and 16)			Overdue		
123. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
124. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37-39)			Overdue		
125. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
126. Tajikistan	4 April 1999	Due on 30 June 2001					
127. Thailand	5 December 1999	Due on 30 June 2002					
128. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
129. Togo	24 August 1984	Overdue					
130. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	E/1990/6/Add.30. Received 28 September 2000		
131. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (E/C.12/1999/SR.17-19)		
132. Turkmenistan	1 August 1997	Overdue					
133. Uganda	21 April 1987	Overdue					
134. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)

Annex I *(continued)*

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
135. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 E/1986/4/28 (E/C.12/1994/ SR.33-37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33-37)
136. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
137. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
138. Uzbekistan	28 December 1995	Overdue					
139. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7, 8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.10 (Pending consideration)		
140. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
141. Yemen	9 May 1987	Overdue					
142. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4 and 5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	E/1990/6/Add.22 (Pending consideration)	
143. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4, 5 and 7)	Overdue			
144. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14)			Overdue		

Annex I *(continued)*

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as of 31 December 2000)

B. Third and fourth periodic reports

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
1. Afghanistan	24 April 1983		
2. Albania	4 January 1992		
3. Algeria	12 December 1989		
4. Angola	10 April 1992		
5. Argentina	8 November 1986		
6. Armenia	13 December 1993		
7. Australia	10 March 1976	E/1994/104/Add.22 (E/C.12/2000/SR.45-47; E/C.12/1/Add.50)	Due 30 June 2005
8. Austria	10 December 1978	Was due 30 June 1997	
9. Azerbaijan	13 November 1992		
10. Bangladesh	5 January 1999		
11. Barbados	3 January 1976		
12. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34-36)	Was due 30 June 1999
13. Belgium	21 July 1983		
14. Benin	12 June 1992		
15. Bolivia	12 November 1982		
16. Bosnia and Herzegovina	6 March 1993		
17. Brazil	24 April 1992		
18. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30-32)	Due 30 June 2001
19. Burkina Faso	4 April 1999		
20. Burundi	9 August 1990		
21. Cambodia	26 August 1992		
22. Cameroon	27 September 1984		
23. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46-48)	Was due 30 June 2000
24. Cape Verde	6 November 1993		
25. Central African Republic	8 August 1981		

Annex I *(continued)*

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
26. Chad	9 September 1995		
27. Chile	3 January 1976	Was due 30 June 1994	
28. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.32-35)	E/C.12/4/Add.5. Received 9 May 2000
29. Congo	5 January 1984		
30. Costa Rica	3 January 1976		
31. Côte d'Ivoire	26 June 1992		
32. Croatia	8 October 1991		
33. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34-36)	Was due 30 June 1999
34. Czech Republic	1 January 1993		
35. Democratic People's Republic of Korea	14 December 1981		
36. Democratic Republic of the Congo	1 February 1977		
37. Denmark*	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11-13)	Was due 30 June 1999
38. Dominica	17 September 1993		
39. Dominican Republic	4 April 1978	Was due 30 June 1999	
40. Ecuador	3 January 1976		
41. Egypt	14 April 1982		
42. El Salvador	29 February 1980		
43. Equatorial Guinea	25 December 1987		
44. Eritrea	20 April 1999		
45. Estonia	21 January 1992		
46. Ethiopia	11 September 1993		
47. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1996/SR.37-40)	E/C.12/4/Add.1 (E/C.12/2000/SR.61-63)
48. France	4 February 1981		
49. Gabon	21 April 1983		
50. Gambia	29 March 1979		
51. Georgia	3 August 1994		
52. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40-42)	E/C.12/4/Add.3. Received 17 January 2000
53. Ghana	7 December 2000		
54. Greece	16 August 1985		
55. Grenada	6 December 1991		
56. Guatemala	19 August 1988		
57. Guinea	24 April 1978		

Annex I *(continued)*

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
58. Guinea-Bissau	2 October 1992		
59. Guyana	15 May 1977		
60. Honduras	17 May 1981		
61. Hungary	3 January 1976	Was due 30 June 1994	
62. Iceland	22 November 1979		
63. India	10 July 1979		
64. Iran (Islamic Republic of)	3 January 1976		
65. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33-35)	Was due 30 June 2000
66. Ireland	8 March 1990		
67. Israel	3 January 1992		
68. Italy	15 December 1978	E/1994/104/Add.19 (E/C.12/2000/SR.6, 7 and 8; E/C.12/1/Add.43)	
69. Jamaica	3 January 1976		
70. Japan	21 September 1979		
71. Jordan	3 January 1976	Due 30 June 2003	
72. Kenya	3 January 1976		
73. Kuwait	31 August 1996		
74. Kyrgyzstan	7 January 1995		
75. Latvia	14 July 1992		
76. Lebanon	3 January 1976		
77. Lesotho	9 December 1992		
78. Libyan Arab Jamahiriya	3 January 1976		
79. Liechtenstein	10 March 1999		
80. Lithuania	20 February 1992		
81. Luxembourg	18 November 1983	Was due 30 June 1998	
82. Madagascar	3 January 1976		
83. Malawi	22 March 1994		
84. Mali	3 January 1976		
85. Malta	13 December 1990		
86. Mauritius	3 January 1976		
87. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44-46)	
88. Moldova	26 March 1993		
89. Monaco	28 November 1997		

Annex I *(continued)*

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
90. Mongolia	3 January 1976	E/1994/104/Add.21 (E/C.12/2000/SR.34-36; E/C.12/1/Add.47)	
91. Morocco	3 August 1979		
92. Namibia	28 February 1995		
93. Nepal	14 August 1991		
94. Netherlands	11 March 1979	Was due 30 June 1997	
95. New Zealand	28 March 1979		
96. Nicaragua	12 June 1980		
97. Niger	7 June 1986		
98. Nigeria	29 October 1993		
99. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34-37)	Was due 30 June 1999
100. Panama	8 June 1977		
101. Paraguay	10 September 1992		
102. Peru	28 July 1978		
103. Philippines	3 January 1976		
104. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10-12)	Was due 30 June 1999
105. Portugal	31 October 1978	E/1994/104/Add.20 (E/C.12//2000/SR.58-60)	
106. Republic of Korea	10 July 1990		
107. Romania	3 January 1976	Was due 30 June 1994	
108. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11-14)	Was due 30 June 1999
109. Rwanda	3 January 1976		
110. Saint Vincent and the Grenadines	9 February 1982		
111. San Marino	18 January 1986		
112. Senegal	13 May 1978		
113. Seychelles	5 August 1982		
114. Sierra Leone	23 November 1996		
115. Slovakia	28 May 1993		
116. Slovenia	6 July 1992		
117. Solomon Islands	17 March 1982		
118. Somalia	24 April 1990		
119. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3-7)	Was due 30 June 1999
120. Sri Lanka	11 September 1980		
121. Sudan	18 June 1986		
122. Suriname	28 March 1977		

Annex I *(continued)*

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
123. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13, 15 and 16)	E/C.12/4/Add.4. Received 10 April 2000
124. Switzerland	18 September 1992		
125. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23. Received 22 March 1999	
126. Tajikistan	4 April 1999		
127. Thailand	5 December 1999		
128. The former Yugoslav Republic of Macedonia	17 September 1991		
129. Togo	24 August 1984		
130. Trinidad and Tobago	8 March 1979		
131. Tunisia	3 January 1976		
132. Turkmenistan	1 August 1997		
133. Uganda	21 April 1987		
134. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42, 44 and 45)	E/C.12/4/Add.2. Received 13 August 1999
135. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/Add.10 (Hong Kong) (E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38) (E/1994/104/Add.24 (dependent territories) Received 13 April 2000)	E/C.12/4/Add.5 (overseas territories) Received 13 April 2000
136. United Republic of Tanzania	11 September 1976		
137. Uruguay	3 January 1976		
138. Uzbekistan	28 December 1995		
139. Venezuela	10 August 1978		
140. Viet Nam	24 December 1982		
141. Yemen	9 May 1987		
142. Yugoslavia	3 January 1976		
143. Zambia	10 July 1984		
144. Zimbabwe	13 August 1991		

* Fourth periodic report was due on 30 June 1999. At the request of the Government of Denmark, the Committee, at its twenty-first session (1999), decided to extend the deadline for the submission of the fourth periodic report to 30 June 2001.

UNITED NATIONS **E**

Economic and Social Council

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Twenty-fifth session
Geneva, 23 April-11 May 2001
Item 7 of the provisional agenda

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Follow-up to the consideration of reports under articles 16 and 17 of the Covenant

Note by the Secretariat

1. At its fourteenth session, the Committee on Economic, Social and Cultural Rights, recognizing the importance of periodically reviewing the implementation by States parties of its suggestions and recommendations, requested the Secretariat to submit to it, as from the fifteenth session, a document indicating all cases where a follow-up had been suggested by the Committee.

2. The information requested by the Committee is to be found in the annex to the present note.

GE.01-40115 (E)

Annex

FOLLOW-UP BY STATES PARTIES TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(status as at 1 January 2001)

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Armenia	E/1990/5/Add.36 E/C.12/1/Add.39 E/C.12/1999/ SR.38-40	The Committee recommends that the Government of Armenia provide more specific and detailed data, which are up to date and, where necessary, disaggregated by gender, relating to the rights set forth in the Covenant. The Committee requests the Government to provide the data specifically requested on housing, food, health and education within six months of the adoption of the concluding observations (concluding observations, para. 17).	3 June 2000	
Dominican Republic	E/1990/6/Add.7 E/C.12/1996/SR.29 and 30 E/C.12/1/Add.6	The Committee invited the State party to confirm publicly its commitment to implement its binding human rights treaty obligations. It strongly called upon the Government of the State party to honour its obligations under the Covenant, particularly through maintaining the proper direct and constructive dialogue with the Committee as called for in the Covenant. The Committee	28 April- 16 May 1997	Final concluding observations were adopted by the Committee at its seventeenth session (17 November-5 December 1997), E/C.12/1/Add.16.

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		proposed to adopt its final concluding observations in relation to the State party at its sixteenth session; for that reason the present concluding observations would be considered "preliminary", pending further consideration of the report based on a dialogue with representatives of the State party at its sixteenth session (concluding observations, para. 26).		
		The Committee further recommended that the State party provide it with written replies to the concluding observations adopted at its eleventh session (E/C.12/1994/15), in particular with regard to its request that the State party invite representatives of the Committee to visit the Dominican Republic; the written list of issues drawn up with respect to the third periodic report (E/C.12/1995/LQ.7); information contained in the document "The Dominican Republic: an independent report submitted to the United Nations Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch" (concluding observations, para. 28).	28 April-16 May 1997	1. The State party invited representatives of the Committee to visit the Dominican Republic (note verbale of 28 April 1997) 2. Written replies to the list of issues submitted 23 April 1997

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee requested the State party to submit the information referred to in the preceding paragraph by 15 February 1997 in order to allow the Committee to consider that information at its sixteenth session (concluding observations, para. 29). The Committee strongly recommended that the specific information requested above be presented to the Committee at its sixteenth session by an expert delegation (concluding observations, para. 30).	28 April-16 May 1997 28 April-16 May 1997	The Committee welcomed the resumption of dialogue with the Dominican Republic ... and the submission by the State party of comprehensive written answers to its List of issues The Committee also welcomed the appearance before it of an expert and a high-level delegation from the capital, which allowed for a fruitful and constructive dialogue to be conducted (E/C.12/1/Add.16, para.1, 3 December 1997).

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
El Salvador	E/1990/5/Add.25 E/C.12/1996/SR.15, 16, 18 E/C.12/1/Add.4	Further information was requested on articles 6-8 and 15 of the Covenant, as well as on any problems encountered in that regard (concluding observations, para. 36).	31 October 1996	The requested information was provided on 11 August 1998.
		Information was requested on the activities of the Office of the Procurator for the Defence of Human Rights, in particular on how much weight its recommendations carried and on the action taken on complaints it filed with regard to violations of economic, social and cultural rights, information enabling the Committee to evaluate the extent to which the members of indigenous communities enjoyed all the economic, social and cultural rights provided for in the Covenant (concluding observations, paras. 28 and 35).	Next report	
		The proposal of the Centre for Human Rights concerning technical cooperation should be given favourable consideration and such assistance used to guarantee the enjoyment of economic, social and cultural rights by all (concluding observations, para. 39).		Within the framework of project ELS/95/AH/10 (1997/98)

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Guinea	Without report E/C.12/1996/ SR.17, 22 E/C.12/1/Add.5	The Committee reiterated its request that the Government of Guinea actively participate in a constructive dialogue with the Committee on how the obligations arising from the Covenant could be fulfilled in a more adequate manner. It called to the Government's attention the fact that the Covenant created a legal obligation for all States parties to submit periodic reports and that Guinea had been in breach of this obligation for many years (concluding observations, para. 25). The Committee recommended that the Government of Guinea avail itself of the advisory services of the Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant, in conformity with the revised general guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the concluding observations (concluding observations, para. 26).		

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee encouraged the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization (concluding observations, para. 27).		
Honduras	E/1997/22, para. 391 Letter from the Government of Honduras, January 1997	Request for technical assistance	May 1997	Assistance provided, March 1997. Initial report received 2 April 1998
Israel	E/1990/5/Add.39 E/C.12/1998/SR.31-33 E/C.12/1/Add.27	The Committee requests the State party to provide additional information on the realization of economic, social and cultural rights in the Occupied Territories, in order to complete its initial report and thereby to ensure full compliance with its reporting obligations.	30 June 2000	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		Detailed information, including the latest statistical data, is also requested on the progressive realization of economic, social and cultural rights in East Jerusalem, keeping in mind the concerns raised by the Committee in the relevant paragraphs of the concluding observations. In addition, the Committee also requests updated information on the target dates for recognizing unrecognized villages and an outline plan for the delivery of basic services including water, electricity, access roads, health care and primary education, to which the villagers are entitled as citizens of Israel. The Committee requests that the additional information also include an update on the Outline Plan of Ein Hod and progress in the recognition of Arab El-Na'im, as well as an update on the Jahalin Bedouins camped in Abu Dis who are awaiting a court decision on their resettlement. The Committee requests the submission of detailed additional information in this respect in time for the twenty-third session of the Committee in November and December 2000 (para. 32).		
	Twenty-fourth session, 13 November-1 December 2000	The Committee, having considered the information provided to it by the Permanent Mission of Israel in its note verbale dated 3 November 2000, in a letter addressed to the Permanent Representative of Israel to the United Nations Office and other International	1 March 2001	The Permanent Mission of Israel to the United Nations Office and other International Organizations in

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		Organizations in Geneva, reminded the State party that the concluding observations requested the submission of additional information in time for the Committee's twenty-fourth session (November-December 2000). Further, the Committee emphasized that some of the additional information, especially the material concerning the occupied territories, was requested "in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations" (para. 32). In light of all the circumstances, its concluding observations and the current crisis in Israel and the occupied territories, the Committee resolved at its twenty-fourth session to consider at its next (twenty-fifth) session the situation in the OPT, with a view to assisting the State party conform to its obligations under the International Covenant on Economic, Social and Cultural Rights. Accordingly, the Committee urged Israel to submit up-to-date information on economic, social and cultural rights in the occupied territories by 1 March 2001. This information should give particular attention to the issues concerning the occupied territories that were identified in the concluding observations, as well as those mentioned in the Committee's letter. The Committee decided to consider the additional information, and any other reliable material		Geneva in its note verbale dated 3 November 2000 informed the Committee that the second periodic report "... will include issues referred to, and information requested by, the CESCR in its concluding observations to Israel's Initial Report of November 1998". The Mission also informed the Committee that "It is expected that the second periodic report will be ready for submission no later than March 2001."

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		with which it is provided, on 4 May 2001 (3.00-6.00 p.m.). The Committee invited the State party to participate in this discussion.		
Libyan Arab Jamahiriya	E/C.12/1/Add.15	The Committee requested that the State party provide the Committee with all of the written answers promised by the delegation, and that the State party's second periodic report contain more information regarding actual practice and the effective implementation of the rights guaranteed by the Covenant and include information on action taken with regard to the present concluding observations (concluding observations, para. 25).	Second periodic report	
Nigeria	E/C.12/1/Add.23 May 1998	The Committee urges in the strongest terms that union leaders and their rank and file members, including in particular those named in paragraph 17 above, who have been imprisoned without being charged or tried, be freed immediately (concluding observations, para. 37).	Urgently	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		"The Committee recommends that more positive and open dialogue between the Committee and the Nigerian Government can be undertaken, and maintained. This dialogue need not await the passage of the next five years. The Committee calls upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 1 January 2000." (concluding observations, para. 43.)	1 January 2000	
		The Chairperson of the Committee, in her letter, dated 27 November 2000 and addressed to the Permanent Representative of Nigeria to the United Nations Office and other International Organizations in Geneva, informed the State party that at its twenty-fourth session (13 November-1 December 2000) the Committee, under its follow-up procedure, considered the status of implementation of its previously adopted concluding observations and, with respect to Nigeria, found that as of this date the State party had not submitted its second periodic report called for in paragraph 43 of its concluding observations (May 1998). Accordingly, the Committee decided to request the State party to submit its second periodic report as soon as possible but not	1 November 2001	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		later than 1 November 2001. At the same time the Committee indicated that "If the Government of Nigeria is experiencing difficulties in the preparation of its second periodic report, it may avail itself of the advisory services and technical assistance of the Office of the High Commissioner for Human Rights for the preparation of States parties' reports to be submitted under the International Covenant on Economic, Social and Cultural Rights."		
Paraguay	E/1990/5/Add.23 E/C.12/1996/SR.1, 2, 4 E/C.12/1/Add.1	The Committee requested the State party to provide it with written replies to the unanswered questions from the list of issues (concluding observations, para. 32).	31 October 1996	The requested information was provided on 10 December 1998
		The next report should fill in the information gaps identified during the consideration of the initial report by the Committee (i.e. detailed information on the full implementation of legislative and administrative measures relating to prevention and enforcement in respect of safe and healthy working conditions; cases in which the Covenant has been invoked in the courts) (concluding observations, para. 32).	30 June 1999	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Peru	E/C.12/1/Add.12	The Committee called upon the State party to submit as soon as possible all the relevant information which it had failed to provide during the consideration of its report. The State party should, in particular, give detailed information on the legislative and other measures and practices adopted in connection with the right to adequate housing and the right to social security, particularly in relation to the functioning of the pensions system (concluding observations, para. 40).	As soon as possible	The requested information was provided on 2 December 1997 and 18 February 1998
Portugal (Macau)	E/1990/6/Add.8 E/C.12/1996/SR.31-33 E/C.12/1/Add.9	The Committee took note of the readiness of the State party to provide it with additional information in reply to the concerns expressed by it in the course of the discussion, and recommended that in its replies the State party pay particular attention to the issue of family reunification and to the legislative provisions safeguarding the principles of ILO Conventions No. 103 and No. 138 and their practical applications (concluding observations, para. 16).	1 May 1997	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee recommended, in view of the lack of sufficient information provided by the State party, that detailed information be provided on measures taken to implement the provisions of article 10. In that connection, the attention of the State party was drawn to the relevant parts of the Committee's revised guidelines regarding the form and contents of reports to be submitted by State parties (concluding observations, para. 18). The Committee strongly urged the Portuguese Administration to take all necessary measures to ensure that the reports under the Covenant were submitted after 1999 (concluding observations, para. 24).	1 May 1997	
Solomon Islands (without report)	E/C.12/1/Add.33 (twentieth session)	The Committee recommends that the Government of Solomon Islands avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it may submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations (concluding observations, para. 25).	As soon as possible	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee also encourages the Office of the High Commissioner for Human Rights, through its programme of advisory services and technical cooperation, to make expert assistance available to the Government for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization (concluding observations, para. 25).		
		In accordance with articles 2.1 and 23 of the International Covenant on Economic, Social and Cultural Rights, the specialized agencies are invited to supply the Committee with supplementary information and comments relevant to the status and enjoyment of economic, social and cultural rights in Solomon Islands, thereby assisting the Committee and the State party to identify appropriate measures designed to implement the Covenant in Solomon Islands. The Committee invites the State party to participate in a dialogue to be held during the Committee's twenty-first session together with representatives	Twenty-first session, 19 Nov. 1999 38th meeting	The following United Nations bodies and specialized agencies provided the Committee with the requested information: UNDP, UNICEF, FAO, The World Bank, IMF, WTO.

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		of the relevant specialized agencies, such as the World Bank, the International Monetary Fund, FAO, WHO, ILO, UNDP, UNICEF and UNESCO. The Committee expresses its belief that only by means of a constructive dialogue between the State party, the above institutions and the Committee can an adequate and realistic appraisal of the feasible development and human rights strategies be achieved for the benefit of all citizens of Solomon Islands (concluding observations, para. 28).		A representative of the State party participated in the discussion the Committee held on 19 November 1999.
	E/2000/22, Chapter VI (twenty-first session)	The Committee acknowledged with appreciation the willingness of the Government of Solomon Islands to cooperate with the Committee and encouraged it to finalize as soon as possible the drafting of its initial report on the implementation of the Covenant and submit it to the Committee for its consideration. The Committee acknowledged with appreciation the contribution of Specialized Agencies (the International Monetary Fund (IMF), the Food and Agriculture Organization (FAO), and the World Trade Organization (WTO), United Nations organs (the United Nations Development Programme (UNDP), and non-governmental		

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		organizations (the Centre for Housing Rights and Evictions (COHRE), Amnesty International and the International Commission of Jurists (ICJ)) to the Committee's review of the state of implementation of the Covenant by the Government of Solomon Islands. The Committee expresses its particular appreciation to the United Nations Development Programme for the assistance provided to the Government of Solomon Islands in response to the Committee's concluding observations of May 1999.		
Sri Lanka	E/1990/5/Add.32 E/C.12/1998/ SR.3-5 E/C.12/1/Add.24	The Committee further requests that an updated report be provided on progress achieved by the Government in addressing the problems of poverty, malnutrition and lack of adequate housing (para. 28).	1999	
United Kingdom of Great Britain and Northern Ireland: Hong Kong	E/1994/104/Add.10 E/C.12/1996/SR.39, 41, 42 and 44 E/C.12/1/Add.10	The Committee requested that, within 45 days, it receive a comprehensive response to its inquiry regarding three Vietnamese refugees who had been denied medical and dental treatment, mainly for refusing to return voluntarily to Viet Nam (concluding observations, para. 42).	27 January 1997	Response received on 23 January 1997

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Zimbabwe	E/C.12/1/Add.12	The Committee reminded the State party that, as a signatory to the Covenant, it was committed to ensure compulsory, free primary education to all children in Zimbabwe. Even though the Committee was aware of the current difficulties in Zimbabwe and the State party's efforts in that field, the Committee invited the State party to submit to it within a year a plan of action and a progress report as to the implementation of this obligation (concluding observations, para. 22).	16 May 1998	
		Bearing in mind that members of the Committee requested specific information that was not provided during the examination of the State party's report, in particular on the cultural situation and the participation of minority groups in cultural life, the Committee urged the State party to submit the requested additional information and statistics within three months of receipt of the Committee's concluding observations, and in any event prior to the Committee's seventeenth session (concluding observations, para. 23).	20 August 1997	

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Item 5 of the provisional agenda

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: International Consultation "Economic, Social and Cultural Rights in the Development Activities of International Institutions" organized in cooperation with the High Council for International Cooperation (France)

Monday, 7 May 2001

Gender equality and globalization: understanding complex dimensions of opportunity and challenge

Background paper submitted by Mr. Fantu Cheru, Ph.D., Professor of African and Development Studies, American University, Washington, D.C.*

1. As we enter the 21st century, the world is experiencing unprecedented changes in the way human beings are organizing production, consumption, and other aspects of social relations. This compression of the time-space aspect of social relations, allowing the economy, politics, culture, and ideology of one country to penetrate another, is called globalization. This rapid inter-penetration of social relations, involving world factories, labour flows, lending facilities, communications, new knowledge and information technologies, and new cultural norms, is

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* The views expressed in the present background paper are those of the author and do not necessarily reflect those of the United Nations. The paper is issued as received.

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spearheaded by a few hundred industrial and financial corporations with the technological means and strategic vision on a global scale. This process is also an outcome of macroeconomic policies designed on the basis of market-oriented criteria and financial concerns to make the world safe for transnational corporations.

2. One of the impacts of globalization has been on the role of the State in national development. The State no longer primarily acts as a buffer against the world economy, but plays an integral role in facilitating the movement of capital across national borders. While this is inevitable and desirable, **there is disconnect between macroeconomic policy and social development and gender equality objectives**. This always leads to a situation where social, human development concerns take a back seat to financial concerns. Globalization, therefore, encompasses contradictory trends, with varying degrees of pressure on the State, society and economy.

3. In recent years, there has been increased recognition in international economic policy fora that the so-called trickle down effect, for so long the social justification for economic liberalization, is not occurring. Recent studies, such as UNCTAD's Trade and Development Report 1997 and the UNDP Human Development Report 1997 and 1999, have convincingly shown that the opposite is true. While liberalization may have fostered economic growth, they have also led to rising inequalities and a decline in living standards, even in richer countries. If left unchecked, this process is socially explosive and would cause various forms of political instability.

4. **At its best**, international economic policies and initiatives, particularly those processes that drive economic globalization (i.e., trade, investment and financial liberalization) can be a positive force for promoting human development and gender equality. **At its worst**, these processes can lead to a deepening of existing economic and gender inequalities, with devastating consequences to human development. Therefore, **efforts to make globalization work for human development and gender equality must ensure that social objectives; equity and the provisioning of needs, become central to macroeconomic policy-making.**

Globalization and its impact on gender equality

5. Studies of globalization and its impact on people focus on incomes, employment, education and other opportunities. Less visible, and often neglected, is the impact on gender relations. Supporters of globalization and liberalization ignore the significant gender differences with respect to participation, remuneration and decision-making powers that prevail in society.

- **Globalization, the feminization of labour activity, and the lowering of labour standards**: Since 1980, many developing countries have undergone structural reform to make themselves attractive to foreign investment and to take advantage of new opportunities opened up by globalization. The promotion of export-processing industries is one such good example. Indeed, Export-processing zones (EPZs) have created jobs for millions of women in developing countries, but too often working conditions and wages

are poor. In order to attract foreign direct investment, national Governments often rescind or modify national labour, environmental and social legislation. These decisions have serious implications on gender relations in the labour market. The repressive labour measures have eroded workers' rights to decent wages, fair labour treatment and job security.[1]

- **Globalization and the "informalization" of homework**: Informalization is a process of sub-contracting either to subsidiaries, or locally independent firms, or by local contractors or middlemen to small units or home-based workers. This is another manifestation of the international division of labour that creates a demand for low-cost female labour. Piece-rate payments are very low and women accept poor economic returns and instability because they have few skills or are confined to home-based economic activities to meet childcare needs. More specifically, **the growth of this particular phenomenon highlights the interdependence of paid and unpaid work**. Unless macroeconomic policy addresses the issue of unpaid work, sustainable human development and gender equality will remain elusive goals. The speed at which capital can pack up and move to other locations, create conditions of insecurity and a downward pressure on wages.

- **Globalization and the intensification of poverty:** The dynamics of restructuring and integration act on "push" factors through States' management of local social and economic situations. For example, the adoption of austerity measures and structural adjustment policies requires States to adopt specific social policies to cut public spending in critical basic social service areas. At the same time, efforts are made to attract foreign capital by introducing measures which would ensure stability and profitability for such ventures. Such a policy agenda - particularly the withdrawal of the State in key areas of social services - tends to worsen the precariousness of some sectors of the population, while State repression is often used to force social practices into the logic of global accumulation. As a result, increasing malnutrition, falling school enrolment and rising unemployment threaten the social fabric of adjusting countries. The right to health, the right to education, the right to food and the right to shelter have been jeopardized.

- **Globalization, migration and trafficking:** The emergence of new categories of migrants is directly related to the process of global restructuring and of capitalist expansion in various regions. These changes are not solely economic in nature, but affect the social and political fabric of societies, with a direct impact on migration dynamics. An increasing number of women among migrants are one indication of this shift in the composition of migration flows. By destroying the traditional means of livelihood, foreign investment encourages the movement of people, very often in the direction where capital is coming from.

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[1] Article 23 of the Universal Declaration of Human Rights states that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". ILO Convention No. 122 on employment policy further reinforces the promotion of "full, productive and freely chosen employment" as a major policy goal.

6. One obvious and unintended consequence of globalization has been the rise in transnational crime networks, which affect men and women differently. With increasing migration trends, the trafficking of women for sexual exploitation and the trafficking of illegal immigrants are a growing phenomenon centred on regional and sub-regional migration channels.

- **Globalization, conflict and political violence:** While globalization limits State power, there is a reassertion of historical forces of nationalism and religious fundamentalism. Just as globalization gives impetus to cultural homogenization, so too a global thrust undermines State power and unleashes subterranean cultural pluralism. Every tribe, it seems, wants its own national banner at the very moment in history when the national State is in crisis. The collapse of the social order had been accelerated by the proliferation of the private arms trade industry. As a result, many polities are disrupted, with devastating consequences to entire populations. Women are most vulnerable in conflict situations because rape is increasingly being used as a weapon of war, not only to harm them physically but also to injure the community as a whole.

7. The challenge of peace building in post-conflict countries must go hand in hand with human development. This will require an "economic compact" that will give thousands of militia members and marginalized youth, conditioned to surviving by force, an alternative to the AK-47 rifle.

- **Globalization and environmental insecurity**: In an attempt to take advantage of the growing trade opportunities in the world economy, many developing countries have deliberately made a switch in their production structure from production for local consumption to exports. This shift would inevitably entail redirecting scarce resources such as credit, fertilizer, technology and other necessary inputs to the export sector while ignoring the needs of subsistence farmers in the area of food security, soil conservation and reforestation. This type of production shift tends to have a disproportionate impact on women and men that are forced to exploit the resource base in unsustainable ways. Such survival-oriented activities include spontaneous colonization in tropical forests, small-scale mining, and intensified use of marginal agricultural lands and marine ecosystems. The problem is further compounded by indiscriminate cutbacks in vital Government programmes that fund environmental protection and the downsizing of enforcement agencies (or the relaxation of existing environmental legislation).

Recasting the debate: making globalization work for human development

8. Given the complexity of the debate and the differential power between States, capital and society, the paper now turns to exploring the potential contribution the combined United Nations system can make to promote human development and gender equality. What can the United Nations system do to make globalization work for human development? Or, conversely, what can the United Nations do to assist developing countries to manage effectively the cold current of globalization? **Where should affected populations, both women and men, go to claim their rights?**

(a) A rights-based approach as a strategic entry point

9. Human rights obligations bridge ethical standards and the legal obligations of States and other parts of society. Economic, social, cultural, civil and political rights as set out in CEDAW, as well as other human rights treaties, create legal obligations for Governments to introduce policies and programmes that create the proper environment for these rights to exist. States are bound to respect, fulfil and protect these rights.

10. In this era of globalization, is the State still able to fulfil these obligations?

- On the one hand, globalization has diminished the ability of all States to control economic outcomes that affect the well-being of their citizens. New global economic power centres challenge State sovereignty over economic resources including capital and labour markets.

- On the other hand, States remain the central actors in economic planning even as they are often pounded by the forces of economic globalization. In short, the State still remains the key player with the power to respect, protect, and fulfil economic, social and political rights of both women and men.

- **Economic globalization is not an excuse for a Government to shrink their legal duties under international law to promote human development and gender equality.**

11. As the UNDP Human Development Report 1997 made it clear, while economic growth is necessary to achieve social equity, it is by no means a panacea. Macroeconomic policy must, instead, emphasize economic growth that is oriented towards improvement in human development and gender equality. But equally important is the link between economic growth, human development and democracy. Democratization, combined with empowerment of people, holds the key to sustained and broad-based socio-economic growth and transformation.

12. In the final analysis, the State is still central in the creation of the proper environment for promoting gender equality in both the public and private spheres. The State can open up the political space so that popular participation can become a reality. And the State can regulate the activities of other transnational economic actors whose practices violate basic human rights protections.

(b) Possible sites of change

13. **At the global level**, fundamental reform in global governance is unlikely to happen any time soon. The historical legacy of exploitation, and subsequent mistrust, between the North and the South are difficult to overcome. However, efforts must be made **to re-emphasize the centrality and primacy of human rights obligations of Governments and international organizations in all areas of governance and development, including international and regional trade, investment and financial policies.** The realms of trade, finance and investment are not exempt from general human rights obligations, including the obligation of States to promote gender equality.

- While there is now widespread recognition of the need to integrate macroeconomic management and social policies, there is still a tendency to design macroeconomic policy with a focus on market-based criteria and indicators and then to add social policies designed with a focus on non-market based indicators and criteria. This always leads to a situation where social, human development concerns take a back seat to financial concerns. Desired social objectives such as equity, provisioning of needs, etc. need to be central to macroeconomic policy-making if we are to advance a people-centred development or rights-based approach to development.

- One possible instrument could be the formulation of gender equality and human rights rules for intergovernmental organizations and the creation of respective accountability mechanisms. **How countries and multilateral institutions incorporate human development and gender equality concerns should be an integral part of macroeconomic policies.** This implies a critical look at current macroeconomic models being promoted by international financial institutions.

14. **At microlevel**, support and encourage civil society organizations in promoting the human rights agenda at local, national and international levels. Specifically, they should continue to hold Governments and international organizations accountable for their obligations to promote gender equality. The devastating effect of financial discipline in the global economy is forcing popular movements across the globe to reconceptualize how to struggle for their economic rights, often outside the bounds of State power. These movements have been singularly responsible for bringing the human development discourse into the operations and activities of key global institutions, the World Bank in particular. As it has done in the past, the United Nations should continue to provide support for cross-cultural dialogue between civil society organizations from both the developed and developing countries in order to promote human development and gender equality.

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Strategies for the development and revival of economic and social rights*

Discussion paper by Isabelle Daugareilh (Centre national de la recherche scientifique (CNRS), Bordeaux, France) and Alice Sindzingre (CNRS, Paris)

* The views expressed in the background paper are those of the author and do not necessarily reflect those of the United Nations Secretariat. The paper is issued as received.

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Summary

This paper is centred on the theme of economic, social and cultural rights and development strategies, in the context of globalization and the new conceptual paradigms devised by multilateral organizations. The globalization of the economy presents both a risk and an opportunity for economic, social and cultural rights and oddly enough for development strategies. Because it either causes or further widens at times unbridgeable gaps between the economic standards of individuals or groups in all countries (both developing and developed), economic globalization offers a fresh opportunity to reconsider the role of international and regional organizations and of their member States on the one hand and the effectiveness and universality of fundamental rights on the other. In view of the risk of normative "chaos" or "cacophony", which economic operators do their best to foster, there is a need also to take a fresh look at the question of a new ordering or new architecture of legislative diversity (particularly in relation to hard law and soft law) and institutional diversity (in particular in relation to the United Nations system and Bretton Woods). Although fundamental social rights are undeniably linked to the prevailing degree of democracy or level of development, judging their effectiveness according to purely economic criteria might cause them to be denatured or might expose them to exploitation. An illustration of this sort of problem would be the question of child labour and rights of association and collective bargaining.

The first part of the paper therefore examines a series of factors, which were the consequences of specific development strategies and which contributed to the recognition of economic and social rights. This recognition has of course been more limited in some multilateral actors than in others. The Bretton Woods institutions, for instance, have been restricted by their apolitical mandate. The factors include the crises of emerging countries and the related involvement of the private sector, growing inequalities between countries, the existence of patches of poverty in middle-income countries, the existence of regions caught in poverty traps, like sub-Saharan Africa, the mediocre success achieved by development aid and the confusion arising between solutions to development problems and international trade reforms, and the reshuffle of the winners and losers of economic reforms, affecting unskilled workers in particular. Although there has been a more generous approach to the compensations and safety nets offered to losers, and although aid reform has come to focus on the struggle against poverty, the countries concerned may end up entangled in their own arrangements. The second part of the paper analyses the responses of the multilateral system and the new risks those responses give rise to, as well as the emergence of social rights and standards, which themselves give rise to risk and debate within the multilateral system and with the actors of the world of labour and civil society. These risks, tensions and debates are illustrated with the two examples of child labour and the rights of association and collective bargaining.

1. Globalization - the new leitmotif of the development debate - is an all-embracing concept with many meanings, which give rise to as many misunderstandings regarding its positive or negative effects. The negative effects are related to the primacy of capital, which enjoys near perfect mobility, over labour, which is much less mobile, to the intensification of worldwide competition, to the demands of competitiveness, to the mass production of increasingly cheap products and to unacceptable working conditions in some regions of the developing world (the "race to the bottom"). These negative aspects of globalization have, however, encouraged the emergence and the recognition (or the renewed recognition) of "global" universal economic and social rights by the international organizations. These rights had already been given recognition in the series of conventions adopted by the ILO in the course of the twentieth century.[1] They underwent a revival at the end of the 1990s, especially with the adoption on 18 June 1998 of the ILO Declaration on Fundamental Principles and Rights at Work. The Declaration listed four core labour standards which all ILO members have an obligation to respect, namely freedom of association, the elimination of forced labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.

2. This revival, however, has proved to be an ongoing process and is giving rise to much debate. This is partly because the recognition of economic and social rights challenges the economic trends which underlie the notion of globalization, such as the intensification of international competition, the move towards deregulation and the reconsideration of the traditional role of States in terms of social policy and their ability to afford their citizens social protection. The recognition of economic and social rights also has to take account of the intellectual traditions and historic paths followed by developing countries and their institutions. One example is emerging countries, which have based their growth on labour-intensive industries and some of which contest the universality of rights defended by an "international community", seen as defending not the interests of that community but private interests in wealthy countries and disguised protectionist strategies. One such case was the notion of "Asian values" in the mid-1990s, that differed from Western values concerning political freedoms and labour relations and that highlighted the relative nature of universal economic and social rights.

3. The revival of economic and social rights further comes up against the variety of mandates of the multilateral agencies that make up the "international community". While the Bretton Woods institutions, for instance, have gradually been taking account of these rights in their thinking,[2] some of the rights, such as the right of association, impinge on the internal political machinery of States and are incompatible with the apolitical mandates of the Bretton Woods institutions, such as the World Bank's Articles of Agreement. The same goes for other multilateral entities, such as WTO, whose prime objectives are centred on facilitating open trade and whose founding principles do not include labour rights.

4. The revival of economic and social rights has occurred on two levels, the level of the factors and lessons derived from development strategies, and the level of concepts, which have provided a favourable background to new thoughts about economic and social rights (I). Its effect has been to accentuate the centrality of economic and social rights (II).

I. FACTORS, DEVELOPMENT STRATEGIES AND CONCEPTS: THE NEW CONTEXTS OF THE REVIVAL OF ECONOMIC AND SOCIAL RIGHTS

5. The new contexts of the revival of economic and social rights may be related on the one hand to global crises (A) and on the other hand to globalization (B).

A. The new context induced by global crises

1. Crises and the new international architecture

6. Globalization has projected economic crises on an unprecedented scale, giving rise to the fear of a systemic risk, especially since the crises have been unlike any in the past as far as their causes were concerned. Thus the Asian crisis and the crises that followed - in Russia and Brazil - made the developed countries reconsider the notion of crisis,[3] as they feared the risk of contagion facilitated by the globalization of financial markets. By contrast with the macroeconomic factors underlying most of the previous crises, the recent crises were blamed more on the private sector, with an emphasis on microeconomic causes, such as defaults, recklessness, speculation and a lack of transparency in the behaviour of banks and private firms.

7. For the Asian crisis which began in 1997, the social consequences were spectacular and were given extensive press coverage. A new feature was that the countries affected were not the poor ones but emerging countries, some even members of OECD (in Korea's case), which had not been following blatantly extravagant economic policies, like other developing countries, and some of which had been careful with their budgets. This series of factors - with a risk of the crisis spreading to rich countries and serious social consequences for countries enjoying high social standards - brought accusations on the part of academics[4] and the civil societies of the countries concerned, who blamed multilateral agencies for aggravating the crises and their social consequences. This in turn induced a serious reconsideration of the methods of organization and action of the Bretton Woods institutions by the global actors involved, such as Governments and civil societies, but also within the institutions themselves.

8. The first reaction was to consider reforming the roles of the Bretton Woods institutions and the mandates of the International Monetary Fund and the World Bank, especially in the United States with their traditional mistrust of multilateralism (the "Meltzer" report), and to discuss the new "international architecture". A second reaction was to bring "social" themes to the forefront and to concentrate on such topics as the role of social policies, social protection arrangements, the nature of effective safety nets suited to developing countries and the diversity of their situations, amongst others.

2. Inequalities and poverty

9. Simultaneously, in the last decades of the twentieth century, inequalities increased, both within countries and between countries: in 1960 per capita GDP of the 20 richest countries was 18 times greater than that of the 20 poorest countries, and by 1995, 37 times.[5] In 1998, poverty still affected 1.17 billion people in developing countries, even though its incidence

declined from 28 per cent in 1987 to 23 per cent by 1998.[6] The gap between the performances and situations of developing countries has also increased, splitting the latter category apart in terms of both growth rates and human development indicators. Between the 1960s and the 1990s, the growth rates of low-income countries fell, like those of middle-income countries, and their dispersion increased.[7] Some regions like Asia made spectacular progress in terms of GDP growth and human development (education and health) growth, as well as in terms of equity - with a decline in the years preceding the crisis. China underwent continuous growth and overcame its poverty in the 1990s. In a country like Indonesia, however, the 1997/98 crisis led to a doubling of the poverty incidence compared with before the crisis. These sharp variations also affected Korea (with poverty incidence in urban areas rising from 8.6 per cent to 23 per cent at the peak of the crisis, then falling back to 15.7 per cent by end 1998) and Thailand.

10. Other regions collapsed, like some of the transition countries, especially in the former Soviet Union. Thus in Russia poverty rose from 11 per cent in the Soviet period to 43 per cent of the population in 1996, and has probably risen further since the 1998 crisis. Other regions have stagnated or give evidence of their vulnerability in the volatility of their indicators, as in Latin America. Thus, contrary to the forecasts of economic theory, the expected convergence with the more developed countries has given way to divergence and the constitution of several groups of convergence countries or "clubs".[8] In addition, even in emerging or middle-income countries, patches of poverty have been detected, hidden under national averages. These often affect special geographical areas or social groups, highlighting the emergence of regional inequalities within countries.

11. Some areas, particularly in sub-Saharan Africa, which has the highest proportion of persons in the world living on less that $1 a day, appear to be caught in real "poverty traps", where several factors are combined and reinforce each other (e.g. absence of demographic transition, epidemics, illiteracy, etc.). Africa is the region with the most massive influx of international public aid since the raw materials prices crisis in the late 1970s. That was one reason, among others, why serious doubts were expressed about the effectiveness of public development aid, at a time when the amounts given by donor countries fell sharply during the 1990s. A kind of free-fall of financial flows set in, in response to the loss of international credibility by the poorest countries, particularly in Africa, and the almost total lack of private capital flows to those countries (foreign direct investment (FDI) or portfolio) apart from a few natural resource extraction niches in a very small number of countries.[9] Public aid tends to be concentrated in some regions, such as sub-Saharan Africa, and small poorer countries - even though it also finds its way to medium-size countries for geopolitical reasons. However, some low per capita GDP countries can be so large that the proportion of aid is very low, as in India, another major poverty area apart from sub-Saharan Africa. By contrast, the emerging countries, especially in Asia, receive an influx of private capital (China being the number one FDI recipient).

12. Thus poverty emerged as the new paradigm for the activities of the donor community, and the leitmotif of poverty reduction has become one of the major reasons justifying aid agencies, both multilateral and bilateral.[10] A reconsideration of aid reform, following the realization of the ineffectiveness and inconsistency of aid, led to studies advocating a more selective approach and the establishment by the Bretton Woods institutions of new aid

frameworks focused on the struggle against poverty and the participation of the Governments and civil societies of recipient countries (PRSPs or Poverty Reduction Strategy Papers), to which bilateral and other multilateral donors also subscribe.

13. Against that background, a fresh emphasis has been placed on economic rights. Nevertheless, this new approach remains influenced by two related paradigms of factors and related attitudes and policies. These are opposed from the point of view of the scale of the development of aid and trade and correspond to different geographical areas. In the poorest countries, especially in Africa, the question of labour rights has been overlooked as a result of their dependence on external public aid, the preponderant role of the Bretton Woods institutions and the lack of foreign investment and hence of transnational firms. This first paradigm is in contrast with the integration in world trade and investment flows of the market structures of emerging countries, which have historically been associated with considerations regarding the effects of trade and globalization and attitudes concerning rights. There is a danger that the paradigm of public aid and assistance, as applied to the poorest countries, may lock these countries inside their own type of institutional arrangements. The connection between aid and rights - like the connection between aid and trade or the foreign investments of transnational firms - is only just beginning to take shape.

B. Globalization and international trade: winners and losers

1. The liberalization of trade

14. Globalization has attracted much opposition and criticism, probably more as a paradigm than as a complex set of factors which are difficult to identify and which have already affected certain historic periods. The criticism has centred on the multilateral entities, i.e. the WTO, especially since 1999 (the "Seattle effect") and the Bretton Woods institutions. And it has become more vocal and effective in so far as it has taken advantage of the technical opportunities offered by the globalization of information networks and the expansion of new communication technologies.

15. The recent period has been marked by the globalization of trade: while real global GDP increased by 4.1 per cent in 2000 (estimate), world trade increased by 12.5 per cent over the same period.[11] This has led to several consequences. One of these concerns the private transnational firms of rich countries and their interests, which have been increasingly scrutinized for the "ethical" aspect of their activities in developing countries.

16. Another consequence concerns the validity of the "Washington consensus", i.e. of all the reforms recommended by the Bretton Woods institutions and by the WTO to developing countries, especially trade liberalization. Some of the premises of the consensus have now been brought into question, such as the belief that liberalization has a positive effect on growth, and that growth automatically has a positive effect on poverty. These causalities do not always work but only under certain conditions (e.g. subject to the availability of certain markets such as a credit market, or the absence of excessive inequalities). They always give rise to lively controversy in the academic world, with some authors drawing attention to the danger of confusing the benefits of trade liberalization with those of development.[12] They have also been

strongly denied by some academics, political activists and civil society associations in developing and emerging countries, who have emphasized the negative effects of trade liberalization reforms in certain situations, producing not only winners but also losers.

17. These negative effects impact poverty in the first place. The relations are more complex than a simple positive link between open trade and less poverty, since open trade can in some cases even increase poverty,[13] or at any rate induce patches of poverty in sectors of activity which do not benefit from the increase in international demand created by the opening up of trade. Trade liberalization also has effects on income distribution, and even though it generates economic gains in the aggregate, it can also increase inequalities. Where State controls, for instance, benefited the poorest groups, liberalization reforms have increased inequalities.[14]

18. The negative effects then reappear on the labour market. Despite the positive predictions of classic international trade theories, labour markets can be negatively affected by liberalization reforms, which are fatal to activities formerly enjoying State protection and subsequently proving uncompetitive, and which as a result destroy jobs and generate unemployment. This happened to many formal industrial sectors in sub-Saharan Africa, which were obsolete and unable to face international competition at the time of the first structural adjustments in the 1980s. The expected benefits of open trade may in addition have no effect on sectors which produce non-tradable goods. They may also be attenuated as a result of insecure working conditions in some occupations or the precarious status of certain groups of workers (such as migrant workers or workers in tax-free areas). These effects may be linked to the much analysed consequences of technical progress, which increases inequalities in domestic labour markets by depreciating the value of unskilled labour in the case of a relative decline in international demand for such labour. At the same time, the greater mobility of capital tends to undermine labour's negotiating power in relation to capital.

2. The debate about labour standards

19. These developments have favoured the emergence of an "international civil society", which is increasingly critical and globalized, and simultaneously a revival of the attention paid to economic and social rights within the international community. The WTO prohibits the work of prisoners and encourages cooperation with the ILO to develop basic labour standards, but its positions are considered inadequate by many actors, especially since its intrinsic limitations were highlighted with the failure of the Millenium Round at the end of 1999. The Bretton Woods institutions have responded on several levels. In the first place, their line of defence is that in the medium term reforms bring about an improvement in general welfare and greater economic efficiency. They offset negative effects by incorporating various compensation arrangements and safety nets in the design of reforms, as well as measures specifically intended to benefit the losers. The points at issue concern the size of those groups and the density of their links with the rest of society (links within households or between town and country) and the socially acceptable time horizon for reforms to produce positive results. For the individual, the medium term may prove to be unacceptably long.[15]

20. The Bretton Woods institutions have also considerably increased loans focused on social sectors and have paid increasing attention to social policies, social protection, safety nets and social funds, by analysing more carefully the sort of instruments previously intended more for

the developed countries, following the Asian and subsequent crises (with measures focusing on insurance, unemployment and training). They have also taken core labour standards into account, although these have met with a certain reluctance.

21. These hesitations are due to several reasons. They arise partly from the actual mandates of the institutions, which prevent them from interfering in the internal affairs of member countries. While there is a clear consensus regarding forced labour and child labour, for instance, there is less unanimity regarding freedom of association. The hesitations are also related to the economic theories considered by the Bretton Woods institutions. While labour standards are recognized as being important for welfare and economic efficiency, there is less consensus regarding the best ways of achieving the working conditions they advocate. Moreover, the absence of labour standards is considered to be a consequence of poverty. Trade sanctions are seen as counterproductive and ineffective, as it is thought that pressures using trade sanctions to enforce labour standards may jeopardize the developing countries' access to international markets while yielding limited benefits in terms of welfare. Sanctions may also be appropriated by protectionist private interests, in which case they may improve the situation only of limited sectors, and in fact prove harmful to developing country workers who produce embargoed goods. Market incentives for employers may prove effective complements to State-imposed standards.[16]

22. Rights in this case are analysed in terms of competitive advantages. In theory if there are no rights competitive advantages are weak, and economic growth and the market are considered as positive mechanisms for labour standards. The perverse effects arguments have been scrutinized in detail in labour economics. Thus worker protection may be adversely affected by a multiplicity of worker categories, while defending the interests of some economic sectors may lead to neglecting the interests of others - according to the theory whereby "insiders" tend to protect their interests against "outsiders" in the labour market.

23. But the issues are still very much debated. There is no proof that labour standards increase labour costs or that they affect a country's competitiveness either way.[17] Some econometric studies show that labour standards do not penalize countries that implement them, while conversely the absence of standards does not produce a competitive advantage for developing countries which have made that choice.[18] Thus a country like India, disproving this hypothetical link between the lack of standards, poverty, open trade policies and the search for competitiveness, has sought to enforce basic labour rights.[19]

24. In the end, the issue remains political, insofar as a link is established between respect for labour standards and trade liberalization agreements, in view of the intrinsically geopolitical nature of such agreements. The link between trade or market access and labour standards is not economically justified in terms of efficiency.[20] The developed countries - i.e. the trade unions, Governments, firms and civil society - headed by the United States, have worked to promote labour standards. By contrast, the developing countries deny the link between labour standards and their access to international trade. They consider that the labour standards advocated by the developed countries are merely a form of disguised protectionism, that the concessions demanded are not reciprocal but merely at their expense, and they claim the right to chose their own development path so long as the freedom of action they are allowed under globalization is much more restricted than that enjoyed by the industrialized countries in the past during their

take off period. The industrialized countries in fact adopted labour standards only at a late stage in their development. In this contrary stance, the developing countries are backed up, obviously for different reasons, by the multinationals.[21]

25. At the same time, other analysts consider that the existence of democratic institutions and the possibility that citizens have of participating in their society's political activities and voicing their opinions freely not only has no negative effect on economic growth, but may even become a positive factor.[22] Some even consider that the Asian crisis was aggravated by the lack of openness and publicity of debates, the low level of democracy and the absence of protection for individuals.[23]

26. These analyses follow the tendency to believe in links between democracy and political freedoms, participation, equity and equality, efficiency and economic growth, as opposed to conventional economic wisdom which has prevailed until recently and which opposes equity and efficiency.[24] Taking up a theme that was never addressed before, a large amount of academic writing is now concerned with the negative effects of inequalities and redistribution disputes on economic growth.[25] Still from an economic point of view, societies with powerful latent social conflicts, for instance very unequal societies, which are not equipped with institutions able to manage those conflicts, appear less able to cope with external shocks, such as worsening terms of trade and the domestic distribution disputes that arise as a result.[26] On the other hand, the existence of civil liberties and political rights, of social insurance arrangements, and of participation by non-elite individuals, tend to improve this ability to cope with shock.[27]

27. So multilateral agencies have gradually been developing an approach based on global public goods, which was taken up by UNDP in 1999.[28] The issues concerning universal labour rights fit naturally into this approach. It provides a means of dealing with the risks and vulnerabilities affecting States and infra-national situations, involving households and individuals, not at an intergovernmental or international level, but at a global level. With the advantage over the currently dominant economic paradigm that it needs no argument calling for assistance to the underprivileged, it rests on the awareness that social and economic problems are henceforth global and may depend on causes situated beyond the capacities of national States, particularly externalities generated by globalization, and that it is impossible to dissociate ethnical objectives of social justice from political and economic processes.

II. THE CENTRALITY OF ECONOMIC AND SOCIAL RIGHTS

28. All summit meetings now tend to offer an opportunity to assert the centrality of economic and social rights. So this is probably the right time to lend a new impetus to the universality of these rights (A) and to re-examine the effectiveness of economic and social rights from a new angle (B).

A. The universality of economic and social rights receives a fresh impetus

29. Paradoxically for some but naturally for others, it is thanks to economic crises and globalization that economic and social rights have earned a universality "bonus", which has led to a revival of standards (1) and to a reorientation of their theoretical foundation (2).

1. The progress of the universality of economic and social rights in recent international legal instruments

30. Two major events marked the end of the twentieth century. The Declaration and Programme of Action for Social Development[29] was adopted on 12 March 1995 following the Copenhagen World Summit for Social Development, and the ILO Declaration on Fundamental Principles and Rights at Work plus Follow-up was adopted on 18 June 1998 following the 88th International Labour Conference.

31. In what way have these two international instruments added a new impetus to economic and social rights?

32. Despite the fact that its adoption was greeted with silence in the press and scientific circles and aroused little interest,[30] the Copenhagen Declaration may be regarded as a cornerstone of the subsequent 1998 ILO Declaration. Moreover, compared with the human rights Declarations and Covenants adopted by the United Nations and/or regional organizations, the Copenhagen Declaration marks a significant new departure. On the one hand it put an end to the primacy of political rights and liberties over economic and social rights. On the other hand, in opposition to liberal reasoning, it asserted the primacy of human rights and needs over economic laws. Thus full employment is promoted as a basic priority of economic policies by ensuring "appropriately and adequately remunerated employment ... with full respect for workers' rights". It also advocated the principle of respect for ILO Conventions, especially those on the prohibition of forced and child labour.

33. While giving the primacy to social issues, the Copenhagen Declaration follows a reasoning developed by the ILO according to which the universality of economic and social rights does not depend on unique development or political models. By rejecting any idea of social, economic or political conditionality in the Declaration, the United Nations stole a march on the practices of States or groups of States and enterprises based on the social clause technique.

34. Under the terms of its mandate as confirmed by the 1995 World Summit and the 1996 WTO inter-ministerial meeting in Singapore, the ILO adopted the Declaration on Fundamental Principles and Rights in 1998. Having managed to identify a kind of "hard core" of fundamental principles and rights, the ILO opted for the declaration technique (little used until then). Unlike international conventions, the Declaration applies to all countries which have accepted the ILO Constitution, whether they have ratified the ILO's basic conventions or not. The Declaration, following up the notions developed in Copenhagen and in Singapore, has no constitutive value, in that it does not establish any fundamental rights. While by its legal nature it does not create any perfect obligation but only duties for all ILO members, the Declaration introduced an original monitoring mechanism, which had a mobilizing and to some extent liberating effect.

35. The Copenhagen Declaration and the ILO Declaration really did create a new dynamic among Member States. Most of them went along with the reporting game in the follow-up to the 1998 Declaration and the Copenhagen Summit. There was also a noticeable move to ratify the Conventions mentioned in the 1998 Declaration. Two years after it was adopted,

the 1998 Declaration became the reference for the world community and international bodies (including the Bretton Woods institutions). That was one of its strengths, insofar as it is not neutral since one of the fundamental rights it lists is freedom of association and collective bargaining. It is true, however, that the ILO Declaration "bypassed" the right to social protection, although this right is so closely connected with the question of employment that lies at the heart of the Copenhagen Declaration.

36. The two Declarations share a twin concern, regarding the consistency of new standards and the convergence of commitments by the organizations, the United Nations and the ILO. They provided an opportunity to renew the ILO's mandate, but at the same time to reposition it and reintegrate it within a broader programme, namely social development, taken on by the United Nations system as a whole. This programme needs to be effectively taken into account, however, in the practices of all international organizations, regardless of their individual scope.

2. The progress of the universality of economic and social rights in the practices of international organizations

37. A number of international organizations, particularly the Bretton Woods bodies, have accepted the idea of adding a social dimension to international trade, in particular by respecting the fundamental rights of workers.[31] In 1998, the IMF started giving strong support to fundamental labour standards based on the idea that the development of participation and democracy were essential for sustainable growth. The World Bank for its part launched a new development framework integrating a whole range of social aspects in its development strategies.

38. Nevertheless, some social rights still run into trouble. Freedom of association is still regarded as a danger for the market. This is one point, in fact, on which the ILO, the IMF and the World Bank disagree strongly. For the ILO, tripartism on a national level is a precondition for achieving the organization's objectives. Freedom of association and collective bargaining, which are the pillars of tripartism, uphold all other fundamental rights. The World Bank's attitude is based on its notion of an exclusively economic mandate, implying a refusal to intervene in the domestic policies of member States. Without derogating from its own agreements, however, the Bank has come to accept the need to be more active where child labour is concerned, since this is one of the cruellest manifestations of poverty. This favourable attitude does not stretch to freedom of association, which is sometimes violently attacked, although Amartya Sen has clearly demonstrated that social dialogue (freedom of association and bargaining) and more broadly speaking democracy (economic freedom) can provide a safeguard against famines.[32]

39. The privatization of social security systems as a precondition or as a tacit effect of operations conducted in countries by international financial agencies does to some extent jeopardize the right to security of workers in a liberal economy. It leads to forms of social disintegration which are contrary to one of the commitments of the Copenhagen Summit. According to the report of the United Nations Secretary-General for the special session on the follow-up to the 2000 Copenhagen Summit, "Social protection can also be viewed as an investment and in fact a good investment, leading to greater labour productivity". Thus it appears increasingly clearly from the organizations' reports that employment and poverty can

only be dealt with by taking account of the right to protection against social risks. This "forgotten" right of the ILO's 1998 Declaration has on the other hand been developed in the Council of Europe's revised European Social Charter and in the Nice Charter of Fundamental Rights of the European Union.

40. In 1999, the ILO Director-General proposed a common aim for the international community and hence for all international organizations in the form of decent work. "The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity."[33] This new concept is a powerful vehicle which gives the social question a global dimension.

41. It has to be global, because merely creating jobs is not enough; the jobs have to be decent in the meaning given by the ILO Director-General, that is, for developed countries jobs that are not affected by uncertainty and insecurity, and for developing countries jobs in the unstructured sector with social protection. Although employment has improved in some regions of the world, the new jobs are often insecure and poorly paid and do not offer proper social protection. Merely having a job, far from being a guarantee of being free of poverty, may prove to be a poverty trap. The phenomenon of "employed indigents" or poor workers affects all countries in all regions. Even France has just detected signs of "working poverty" within its own borders.[34] Basing development on the principle of decent work is a way of adding a global dimension. Labour rights, employment, social protection and social dialogue are inseparable. The notion of decent work warns economic and financial organizations, in their economic intervention programmes in countries, against ignoring the fact that the fundamental rights listed in the 1998 Declaration should be seen as a whole, to which the right to social protection has been added.

42. In the conclusions of the report for the special session in 2000 on the follow-up to the Copenhagen Summit, the Secretary-General states that "The new spirit of consultation and collaboration between the United Nations and its specialized agencies, the Bretton Woods institutions and other organizations ... is underpinned by a growing recognition that economic and social policies are not only intertwined, but rather part of the same whole". Having rallied to the 1998 ILO Declaration, the international organizations now have to show that their practices comply with its terms.

B. The effectiveness of economic and social rights reconsidered

43. The Copenhagen Declaration and the ILO Declaration have to be seen as clear indications of a halt to delegalization on a global scale. It even seems as if a move has begun towards international re-regulation. Could this be the sign of a real or at least a new departure for international social law?[35] The social issue is not a cause which is spontaneously shared. It has to be raised, but also imposed, through acts which, despite the fact that they are not binding, carry more than a symbolic significance, causing a profound change of outlook. It provides the necessary elements for new forms of standard-setting on a global scale (1), which will potentially destabilize the traditional legal order (2).

1. New modes of standard setting

44. There has been an increasing variety of sources of international law, especially with the proliferation of "concerted non-conventional acts" and "guidelines". The ILO has used the technique at least twice: in its Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, adopted in November 1977[36] and the 1998 Declaration on Fundamental Principles and Rights at Work and Follow-up thereto. This latter Declaration places member States squarely before the ILO Constitution by declaring that all members, even if they have not ratified international conventions protecting the fundamental rights in question, have an obligation, arising from the very fact that they are members of the Organization, to respect, to promote and to apply those rights in good faith. Those are the rules.

45. These Declarations are intergovernmental commitments, the legal nature of which is not strictly defined. Their aim is less to oblige than to convince the recipients of the texts, which are primarily recommendations. Both texts are based expressly on voluntary commitment, and any failure to respect them is not legally punishable.[37] "Although they are not compulsory in character, they act as an instrument of moral persuasion, strengthened by the authority of international organizations and the support of public opinion."[38] This soft law[39] produced by international bodies is aimed at creating an international framework for the development of voluntary social initiatives by enterprises as well as States. Thus international labour law is experimenting with allowing the two types of standards to coexist, one aimed at legislation and the other at regulation.

46. The multilateral approach of these Declarations is far preferable to unilateralism, whether aggressive or not. They confirm the preference for voluntary commitment and persuasion over coercion or sanctions. They tend to encourage a sense of dynamism, but without forgetting effectiveness. It is quite possible that these Declarations, these new forms of regulation to some extent produce an instructive and stimulating effect. They are based on cooperation, support and assistance, particularly technical assistance, which are now essential for any assessment of the effectiveness of standards. Sanctions, especially economic, are no guarantee of effectiveness. On the contrary, they have perverse and destabilizing effects, which can lead to a deterioration of existing situations and which make any global approach to the social issue more difficult. According to the Secretary-General's 2000 report on the follow-up to the Copenhagen Summit, economic sanctions have reduced the growth capacity of the countries affected, where the number of poor has increased.

2. Towards a new legal architecture

47. Due to the interdependence between social issues and the particularly complex objective of social development, the competent organizations have been led - or obliged - to cooperate either within or outside the United Nations and regardless of whether their mandates are social or purely economic. Of course that still leaves the problem of devising some legal coordination machinery, on the basis of which a set of "integrated" international social laws could be built up, despite the diversity of partial legal systems constructed by international organizations in the light of their constitutions.

48. Moreover, the established centrality of economic and social rights has given rise to many experiments in recent years, not only by international agencies but also by international non-governmental organizations and by private economic actors. These experiments, conducted more in the name of ethics than of law, have given rise to a proliferation of standards collected under the commonly accepted "catch-all" term of soft law. But soft law takes on substance in the legal system only if declaration is followed even partially and gradually by implementation.[40] The 1998 ILO Declaration definitely fits into this category. It creates or contributes to "effectiveness in action".[41] Nevertheless, might the Declaration not be depreciated owing to the proliferation of "competing" standards issued by other international agencies or by private actors, who are seeking their share of social action and standard setting. Merely listing all the standards (such as Global Compact, Social Accountability 8000, the Global Sullivan Principles, etc.) and classifying them becomes a complex task. There is no doubt that the centrality of economic and social rights has been the source of "diluted" and inflationary standard setting. Admittedly all these standards reflect the emergence of a truly global legal opinion. But they create a risk of "cacophony" which is prejudicial to the legal security of actors, that is, to workers as well as enterprises. While respecting the notion of legal diversity and recognizing that the pyramidal approach to legislation belongs to the past, it is worth remembering that not only legal rationality but also legal security demand a degree of rationality, which means instituting order and avoiding any depreciation of the rule of law at international level.

49. International social law is intergovernmental law. But globalization transcends the intergovernmental sphere and leads to a proliferation of actors, including civil society, in all its many and varied forms. States still remain at the heart of standard-setting machinery, even though they no longer possess the technical capacity to legislate on their own and even though they are inevitably forced to negotiate and to share their legislative powers in open legal systems and in networks. Even if the revival of economic and social rights entails a reorganization of the legal order, rights will only be effective if States are strong and able to implement extended solidarity policies. This is also a condition on which implementation of such a vast undertaking as social development will depend.

Notes

[1] A history of the conventions is given in Cruz et al. (1996).

[2] Holzmann (1999).

[3] Stiglitz (1999).

[4] For instance, by well-known academics such as Jeffrey Sachs or Paul Krugman; see also the many points of view gathered on the Web site of Nouriel Roubini (http://www.stern.nyu.edu/~nroubini).

[5] World Bank (2000a, p. 51).

[6] Measured on the basis of $1 per day (PPP); World Bank (2000b).

[7] Kohl and O'Rourke (2000, p. 37).

[8] World Bank (2000a); Pritchett.

[9] Sindzingre (1998).

[10] Séverino (2000).

[11] World Bank (2001, p. 2).

[12] Rodrik (2000).

[13] Winters (2000).

[14] World Bank (2001, box 1.3).

[15] Kanbur (2000).

[16] World Bank (2001); World Bank (2000, p. 74).

[17] Martin and Maskus (1999); Mehmet et al. (1999, chap. 6); World Bank (2001).

[18] Raynauld and Vidal (1998, chap. 3).

[19] Castle et al. (1999) on the example of child labour.

[20] Panagariya (2000), who recalls that this link was suggested in the first place by the United States.

[21] A review of the literature concerning the link between labour standards and international trade is given in Brown (2000); the issues at stake between developed and developing countries are reviewed in Singh and Zammit (2000).

[22] See Sen (2000a).

[23] Sen (2000b).

[24] Stigliz (2000).

[25] See Kanbur and Lustig (1999).

[26] Rodrik (1998).

[27] Rodrik (1999).

[28] Kaul et al. (1999).

[29] J. Baudot (1996), p. 37.

[30] Only the ILO, NGOs, and trade union confederations showed any real interest at the time.

[31] F. Maupin (1996), p. 45.

[32] A. Sen (2000), p. 129.

[33] ILO (1999), p. 3.

[34] S. Ponthieux, P. Concialdi (2000), p. 5.

[35] R. Charvin (1997), p. 657.

[36] ILO, "Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, Official Bulletin, Vol. LXI, 1978, Series A, No. 1, Geneva. Before the ILO, on 21 June 1976, the OECD Council, in a quite different spirit, adopted a Declaration on International Investment and Multinational Enterprises, which includes a text entitled Guidelines for Multinational Enterprises, the last version of which was adopted by the Council of Ministers on 27 June 2000.

[37] E. Decaux, (1983), p. 81. P. Sanders (1987), p. 281.

[38] United Nations document E.5500, p. 55, cited in B. Goldman, Ph. Francescakis (under the direction of), "L'entreprise multinationale face au droit", Litec. 1977, p. 417.

[39] Expression used by internationalists, see R.J. Dupuy, (1975), p. 132.

[40] P.M. Dupuy (2000), p. 373.

[41] Ch. de Visscher (1970), p. 318.

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Global economic governance and national policy autonomy in the pursuit of economic, social and cultural rights

Background paper submitted by Hamish Jenkins* **

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** The views expressed in the background paper are those of the author and do not necessarily reflect those of UN/NGLS or the United Nations. The paper is issued as received.

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Introduction

1. The International Covenant on Economic, Social and Cultural Rights adopted by the United Nations General Assembly in 1966 was premised on the notion that State parties had sufficient political and economic space to develop the best combination of policies adapted to their given domestic context to protect and promote the rights enshrined in the Covenant. The Covenant does not spell out a uniform recipe to achieve these rights, and in this sense recognizes that specific policy options (particularly in the realm of macroeconomic policy) are only potential means to the end of improving human well-being, which may or not be appropriate depending on context.

2. However, in its November 1999 statement to the third Ministerial Conference of the World Trade Organization, the Committee noted that it "has become increasingly aware of the extent to which international economic policies and practices affect the ability of States to fulfil their treaty obligations". And indeed, one of the central messages that emerged from the tenth session of the United Nations Conference on Trade and Development (UNCTAD X), held in Bangkok on 12-19 February 2000, is that the range of policy options available to Governments has been shrinking, particularly in developing countries, as a result of various dimensions of globalization.[1] In other words, the tendency has been for national policies to adapt domestic economic and social conditions to an increasingly competitive global environment rather than the other way around.

3. Some participants at UNCTAD X argued that globalization is "unstoppable" and the only policy options are to maximize the benefits and minimize the damage. Others however, such as UNCTAD Secretary-General, Rubens Ricupero and ILO Director-General, Juan Somavia, insisted that globalization is at least in part a deliberate construction. A distinction must be made between objective forces of technological change driving the globalization of production and economic exchange, and the policies which have accompanied (and in some cases, driven) globalization, such as indiscriminate liberalization, privatization and deregulation. These are the result of conscious choices, and can be changed if and when they are proving harmful to human well-being and social progress.

4. This historical juncture poses a formidable challenge to the human rights community, and to the United Nations Committee on Economic, Social and Cultural Rights in particular. The challenge is conceptual as much as it is political and organizational, given the complexity and tensions between factors such as: the increasing interdependence of national economies; local and national democratic prerogatives which may vary from one jurisdiction to another; and sharp asymmetries in economic and political power at national and international levels. An attempt to reconcile these different factors from a human rights perspective is captured in the joint official NGO statement to UNCTAD X, which was adopted in Bangkok by 160 representatives of NGOs and social movements from over 40 countries. Its preamble reads:

5. "We propose the development of a system of global governance that respects local democratic prerogatives and is based on global conventions agreed to at the United Nations. The principles of such a pluralistic and participatory form of international governance must constitute the over-arching principles and regulatory frameworks within which all global, regional, national

and local governmental institutions and corporations, and all people, should cooperate. These fundamental principles must be based on the primacy of human rights obligations, which include the principles of non-discrimination, progressive realization and non-retrogression."[2]

6. This paper briefly outlines the various factors that have reduced the range of policy options available at the national level, in a manner that has proved seriously detrimental to human rights, and sets out some of the human rights principles that could be invoked to help reverse this trend.

7. However, it must be emphasized from the outset that the case made here in favour of greater national policy autonomy is in no way an end in itself. Rather, since political systems are still fundamentally based on the nation state, greater national policy autonomy should be seen only as a prerequisite for local and national democratic struggles to gain the political space required to pursue the goals of economic justice and solidarity. At the same time, given inter alia the increased interdependence of national economies and the growth of systemic factors such as the transnational power of financial markets and institutions, renewed efforts to better understand the human rights responsibilities of States to the international community are also called for.

8. In particular, member States that have signed and ratified the International Covenant on Economic, Social and Cultural Rights have legal obligations to "achieve progressively" the full rights set out in the Covenant, and must also afford "international assistance and cooperation" for this purpose. In other words, Governments must demonstrate, individually and collectively, that they are taking concrete steps toward realization of these rights. A major duty deriving from these obligations is the "principle of non-retrogression" - meaning that State parties must not take retrogressive measures (through law or policy) that would jeopardize existing achievements, except in the limited circumstances specifically provided for in the relevant human rights instrument.

Loss of Policy Autonomy in the Global Trading System

9. Discussions at UNCTAD X revealed the extent to which developing countries have been pressured to liberalize their trading regimes through structural adjustment programmes promoted by the World Bank and the IMF. As with the range of other policies typifying such programmes, such as fiscal austerity, deregulation and privatization, these were said to be driven more by ideology and interest than economic pragmatism. According to a paper presented by Consumers International to UNCTAD X, "full trade liberalization in developing countries has served, above all, to open these countries' economies to exports from industrialized countries, without necessarily stimulating economic growth or greater consumption for the population at large. On the contrary, it tends to reinforce existing inequalities between and within them in terms of consumption levels." Meanwhile, industrialized countries - that have not been subject to structural adjustment programmes of the international financial institutions (IFIs), and enjoy much greater bargaining power and institutional resources in the WTO - have maintained comparatively much higher trade barriers in sectors of interest to developing countries.

10. The 1999 edition of UNCTAD's Trade and Development Report also highlights that developing countries' "excessive" trade liberalization has caused them to suffer from chronic balance-of-payments problems due to their inability to match the costs of the surge of imports

with greater export earnings. To compensate this, developing countries have had to attract more private financial flows, much of which ended up being short-term speculative capital - that only made matters worse, by exchange rate appreciations and increased financial instability and crises.

11. Although the misguided nature of these policies is increasingly recognized, it would be very difficult under current WTO rules for developing countries to reverse trade liberalization policies in areas that have proven detrimental. In fact, developing countries have committed themselves to a range of agreements in the WTO, such as the ones on agriculture, trade-related investment measures and intellectual property rights which, if implemented, would further reduce their policy options, in terms of selective protection and promotion measures in the public interest and in the interest of vulnerable groups.[3]

Calls for Affirmative Action

12. The introduction of the human rights principles of "non-discrimination" in the debate shed new light on these issues at UNCTAD X. In its proposals to UNCTAD, the joint NGO statement says:

13. "International trade and investment rules promoted by the dominant global economic institutions are aimed at creating a 'level playing field' between all economic players, irrespective of their scale and economic power. This understanding of 'non-discrimination' in national treatment provisions assumes that equal rules should apply to very unequal players. So far, this tendency has only been resisted through 'special and differential treatment' provisions, which in the WTO most often do not have contractual status and rely on artificial and arbitrary time-frames unrelated to need and capacity."

14. The text goes on to argue:

15. "We call for a human rights application of 'non-discrimination', which is premised on the need for affirmative action by the State to protect and promote vulnerable groups and sectors to avoid discrimination and further marginalization. In other words, these measures are not a special favour granted to developing countries and their citizens, but are fundamental components of their right to development."

16. In his opening statement to UNCTAD X, Mr. Ricupero also stressed the limitations of current international economic rules and policies to satisfactorily take account of large differences in economic power, as well as the benefits of integrating human rights principles into economic governance:

17. "Some still insist that the problem will be better dealt with by bringing about a level playing field, by just eliminating price-distorting mechanisms, by creating equal opportunity for all. Is it really serious to pretend that equal opportunities will suffice when people and countries start from astronomically distant starting points? How truly equal is equal in this case? Should we not recognize that the game of competition requires, as all games do, not only clear rules and impartial arbiters but training, preparation as well? Is this not what countries that have long-deprived and underpriviledged minorities do with their 'affirmative action' programmes

aimed not at some hypothetical equality but at the actual equality of providing the needy, that is, the unequal, with specific, differentiated, opportunities to learn how to compete, how to produce, how to trade?"

18. This poses a practical challenge to the Committee. If in the course of its review of individual country reports, it notes that country after country are no longer taking the necessary steps - say, to protect local farmers from agricultural imports that would wipe out their local source of livelihood - measures that would be legitimate (and in fact, called for) under the Covenant, but disallowed under WTO rules, what recommendations can the Committee give to the State party? If the State party chooses on its own to conform first and foremost to the Covenant (which the primacy of human rights obligations would imply), but at the cost of de facto violating WTO rules, it risks facing trade sanctions from other WTO members, that in themselves may cause human rights violations. Would the Committee not need to find a way to address the collectivity of WTO members that are also State parties to the Covenant on this question? In particular, should it not encourage developing countries to actively use their legal obligations under the Covenant in the current review processes and negotiations that are underway at the WTO?

Pressures by the International Financial System

19. The international financial system is posing similar constraints on the ability of national Governments to conform to their human rights obligations. There are two main dimensions to this. One is the pressure of international financial institutions through structural adjustment conditionalities; the second is what UNCTAD has defined as the "discipline" that financial markets are able to impose on national Governments' choice of monetary and fiscal policies. Both are related but are best treated separately.

20. There is no space here to present a full review of structural adjustment programmes of IFIs. Their detrimental human rights impact have been well documented elsewhere.[4] However, it is worth dwelling a moment on UNCTAD's analysis of the way the East Asian financial crisis was managed by the international community through the IMF, and which was also widely discussed at UNCTAD X. Much of the causes of the financial crisis can be attributed to rapid financial deregulation and capital account liberalization, which had been promoted by the G-7 Governments and the IMF, but also pursued quite autonomously from external pressure by some developing country Governments. When the crisis hit and foreign investors withdrew their funds in a panic exit, countries turned to the IMF in search of liquidity. However, the IMF systematically insisted that the only policy option to stabilize the financial system was to exercise fiscal austerity and to significantly raise the interest rate in order to restore international investor confidence. This plunged these economies into recession by causing a cascade of bankruptcies and millions of job losses in a context of a virtual absence of social security systems. One country, Malaysia, chose a different track, namely by instituting temporary capital controls, which allowed the country to stabilize its financial system without causing a recession. According to the Financial Times, immediately after this, Indonesia in its negotiations with the IMF had asked to follow a similar course as Malaysia, but such an option was denied.

21. The bottom line in this episode is that there was more than one policy option, even in the midst of crisis. The option imposed by the IMF, as it turned out, mainly served to bail out

international creditors for their speculative mistakes and reassure international financial markets - at the cost of knowingly causing human rights violations on a massive scale. The other option was to put the interests of local workers and domestic firms before those of international financial markets - and whether explicitly or not, choose a course of action that conforms more closely to the principle of non-retrogression.

22. Therefore, at one level it could be argued that the IMF prevented these countries from conforming to their human rights obligations. However, it remains to be seen the extent to which Governments of affected countries explicitly invoked their legal obligations under the Covenant in their negotiations with the IMF. This may be a line worth pursuing by the Committee in its reviews of country reports. But perhaps more important is the responsibilities of the IMF member Governments that enjoy the greatest voting powers in the institution, namely the G-7 countries. To what extent do they take seriously into account their duty to cooperate internationally in the protection and promotion of economic, social and cultural rights, in the voting decisions they make in the governing boards of IFIs? Is it a violation of their Covenant obligations to take decisions in these bodies that will cause human rights regressions in other countries?

23. The same line of questioning could be directed at Governments' failure to act collectively in terms of curbing the excessive powers that financial markets can now exercise on individual countries' choice of macroeconomic policies. The "discipline" that financial markets and corporations can impose on Governments' policy choices, notably through threats of relocation and speculative currency attacks, has been made possible by the so-called rapid "exit option" capital holders now enjoy as a result of widespread financial liberalization in recent years.

24. This is particularly manifest in two main areas of concern to the Committee. Firstly, Governments are pressured to adopt what is called "deflationary" macroeconomic policies (e.g. fiscal austerity and high interest rates) which have squeezed growth and employment. This limits their capacity to fulfil their obligations related to the progressive realization of the right to work. When high employment rates have been achieved under these conditions, such as in the United States and the United Kingdom, this has been correlated with an increasing flexibilization and casualization of labour conditions, which themselves are a source of human rights regressions.[5] What steps are State parties to the Covenant taking individually and collectively to reverse this trend?

25. Secondly, widespread financial liberalization has also limited the capacity of rich and poor countries alike to develop or maintain progressive taxation regimes. In recent years, the tax burden has shifted from highly mobile large capital holders, who can increasingly play one tax jurisdiction against another, to relatively immobile labour and small enterprises. Given the political limits of regressive taxation systems, tax competition between States has led to a gradual erosion of State revenue - a crisis of the welfare State, happening at precisely a time where more funds for social programmes are needed to buffer the social dislocations caused by globalization.[6] What are State parties to the Covenant doing individually and collectively to ensure they have the financial means to fulfil their citizens' rights to adequate social security and other essential social services?

Conclusion

26. The above discussion suggests three main avenues which the Committee may wish to pursue. One is through new lines of inquiry in its reviews of individual country reports, such as the ones suggested in this paper. The second, is to find alternative ways to address the collectivity of State parties on systemic problems, that is, problems that cannot be resolved by autonomous actions at the national level. The Committee's statement to the third WTO ministerial conference set an important precedent. Other statements of this nature could be developed in the future. In addition, a series of consultations, with Governments, multilateral agencies and civil society (such as the one organized for the Committee's 7 May 2001 day of general discussion) with a view to better understanding and updating the parameters of State parties' duties to the international community alluded to, for instance, in article 2.1 of the Covenant.

27. At the same time, while it is essential to pursue greater policy coherence between international human rights-oriented institutions and international trade and financial institutions, it would also be necessary to pursue the same endeavour at the national level, between different line ministries, particularly within the more influential countries such as the G-7. Institutional arrangements such as the High Council for International Cooperation in France, may offer useful insights in this regard.

Notes

[1] This Conference, which acted as a kind of "forum on globalization" allowed for a frank exchange between member States, heads of multilateral institutions, NGOs and academics, against the backdrop of an evident crisis of global economic governance - manifest in the collapse of talks at the third ministerial meeting of the World Trade Organization (WTO) in late 1999, and the catastrophic social and economic impact of the international financial crisis triggered in East Asia in mid-1997. For a detailed overview, see: NGLS Roundup No. 54, May 2000, "UNCTAD X Addresses Crisis of Global Economic Governance".

[2] "UNCTAD and Civil Society: Towards Our Common Goals" (TD/382).

[3] For more details, see NGLS Roundup, No. 54, May 2000, "UNCTAD X Addresses Crisis of Global Economic Governance".

[4] See in particular: "Effects of structural adjustment policies on the full enjoyment of human rights": Report by the Independent Expert, Mr. Fantu Cheru, submitted in accordance with Commission decisions 1998/102 and 1997/103. (E/CN.4/1999/50)

[5] For an economic analysis of these phenomena, see in particular UNCTAD's Trade and Development Reports 1995 and 1998.

[6] For a detailed discussion of this issue, see in particular R. Avi-Yonah "Globalization, Tax Competition and the Crisis of the Welfare State" in: 113 Harvard Law Review, May 2000.

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The citizen and the State: the duty to ensure the primacy of human rights in any international negotiation

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* The views expressed in this paper are those of the author and do not necessarily reflect those of the United Nations Secretariat. The paper is issued as received.

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1. At the United Nations World Conference on Human Rights in Vienna in 1993, 171 States declared that the protection and promotion of human rights were the first responsibility of Governments. This commitment was strongly supported by the NGO conference, which was being held simultaneously in conjunction with the United Nations Conference. The United Nations bodies have on many occasions recalled that commitment and, on 26 November 1999, the Committee on Economic, Social and Cultural Rights adopted an important declaration, reminding all States as well as the World Trade Organization (WTO), whose third ministerial conference was about to open a few days later in Seattle, of that commitment.

2. How can one be sure that States will effectively fulfil their commitments in this respect? How can one be sure that the States members of WTO, in the course of negotiations conducted under the aegis of that organization, will not forget the commitments to which most of them have subscribed as members of the United Nations? What can citizens do, individually or through their civil, trade union and political organizations, to improve the transparency of those negotiations and to strengthen the central role of protecting and promoting human rights in international relations?

I. THE OBJECTIVES OF WORLD TRADE

3. For the last three centuries, the growing power of merchants has been acquired through State institutions. It might even be said that their power has been acquired thanks to a policy of reliance on those institutions. The legislative and regulatory instruments of public authority were used most effectively by the bourgeoisie, especially at the time of the "bourgeois revolutions", starting with the French Revolution. A good example was its "law on the freedom of trade and industry", one of the main tenets of which was a ban of workers' associations.

4. Two converging trends occurred in the nineteenth and first half of the twentieth centuries:

- On the one hand, the State became increasingly concerned with the economic and social aspects of relations between citizens;

- On the other hand, the bourgeoisie, industrialists and financial institutions increasingly used their influence within the State to push through laws and regulations that served their interests.

5. Fortunately, this trend did not go unopposed by social movements and activists. But at no time was the initial founding pattern ever challenged. The State basically served the dominant interests in exercising the prerogatives of public authority and those interests were chiefly those of the bourgeoisie, industry and business. Then in 1994, a trick of magic was played in Marrakesh. There 132 countries had met to end one of the GATT negotiating "rounds", the "Uruguay-round". Those 132 countries went into the conference room under the "GATT" umbrella and came out wearing the colours of WTO, a trade body which was completely independent of the United Nations, although it had been the United Nations which had taken the initiative years earlier of launching an international trade organization. How was it

that in the agreement instituting the World Trade Organization, the United Nations was left aside, forgotten? How can the World Trade Organization claim to have nothing to do with the United Nations system?

In practical terms, this means that the World Trade Organization feels bound neither by the United Nations Charter, nor by the International Covenant on Economic, Social and Cultural Rights, nor by the Charter of Economic Rights and Duties of States, even though the organization is made up almost entirely of countries that are members of the United Nations and which as such are bound by those instruments.

6. In the Marrakesh agreement, no mention is made of "human rights" (except incidentally). On the other hand, the preamble refers to notions which were obviously arrived at through negotiation, such as "raising standards of living", "ensuring full employment", "a large and steadily growing volume of real income", or "effective demand and expanding the production of and trade in goods and services". Human Rights seem to take second place to the aim of expanding production and trade. Moreover, the WTO Agreement states in its preamble that it is resolved: "to develop an integrated, more viable and durable multilateral trading system encompassing the General Agreement on Tariffs and Trade, the result of past trade liberalization trade efforts, and all of the results of the Uruguay Round of Multilateral Trade Negotiations". This means that, unlike what is often believed, WTO was not a sequel to GATT; it encompasses GATT, but extends well beyond it, establishing an institutional framework that covers an impressive list of agreements.

7. Clearly the transnationals are trying to tout their ultra-liberal approach in all forums that are unrelated to the United Nations system: a very revealing sign of this was the toing and froing of the famous draft Multilateral Agreement on Investment from WTO to OECD and back to WTO. Yet the general economic system introduced with such schemes amounts to a formidable attack on economic development systems based on public service and the protection of the most underprivileged. It is the least developed countries and the most deprived citizens in all countries which have most to lose from the introduction of an uncontrolled competitive system. But the transnationals soon tried to go even further.

8. The creation of the World Trade Organization was a first significant step. There is much discussion nowadays as to whether the WTO should be considered as belonging to the United Nations system or not. There is no doubt that the answer should be yes, since WTO succeeded GATT, which was itself part of the United Nations system. But what is interesting is not the answer, nor even the question itself: what is revealing is why the question is ever asked in the first place. It is equivalent to asking whether WTO is or is not bound by all the United Nations instruments, such as its Charter, the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights and the Charter of Economic Rights and Duties of States.

9. In order to appreciate the significance of the issues at stake, it may be worth recalling some of the rules adopted by the Community of States which hamper the transnationals' move towards an increasingly liberal legal system:

The 1974 Charter of Economic Rights and Duties of States stipulates that: "Each State has the right ... to regulate and exercise authority over foreign investment ...".

The 1966 International Covenant on Economic, Social and Cultural Rights provides in article 2 that: "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals."

10. The Covenant further provides in article 1 that "All peoples ... freely dispose of their natural wealth and resources". It also recognizes a substantial number of fundamental rights (a copy is included in the seminar file). These rights represent not only areas of freedom but also a lever that citizens can use to act on their living conditions and on their environment.

11. On the other hand, the question of how far these international instruments are applicable and how effective each one is remains moot and controversial. Clearly the ultra-liberals like to say that the instruments are not all applicable in practice; but even if they are, they prefer to take the view that the WTO, which according to them does not belong to the United Nations system, is not bound by them. What is new here is the way the transnationals are acting and the way the public authorities are letting them do what they want. Their goal now is clearly to cast off altogether the straightjacket of rules accepted by States and international organizations. Their preferred method is often through lobbying, a visible sign of which is the closeness of relations between transnationals and political leaders (a good example being the Davos meetings).

12. The consequence has been admirably summed up by an expert with the American Senate, Jeffrey Schott (quoted by Janette Habel in le Monde Diplomatique of October 2000). Mr. Schott explains that free trade implies unequal obligations, which are a greater burden for developing countries than for their industrialized country partners, but that this inequality is offset by the fact that it makes a developing country more attractive for foreign investors. In other words, you may be dying of hunger, but you will have the satisfaction of knowing that foreign investors are happy.

II. THE DANGER THAT STATES MAY RELINQUISH THEIR PROTECTIVE DUTIES AND PREROGATIVES

13. Nowadays transnationals are resorting to ideological arguments and methods to pressure politicians in the direction they want to go, that is, towards a dismantling of state functions. We are constantly being inundated with statements about the fantastic benefits of liberalism, of the open capitalist economy, privatization, etc. This type of argument is intended to convince both the public and political leaders that ultra-liberalization is the right choice (how often have we been told that total liberalization creates employment, a statement that is clearly easier to repeat than to substantiate!).

14. In this new phase, the transnationals are trying not only to change the legislative and regulatory scene to suit themselves; they are also seeking simply to do away with every kind of regulation in order to operate free of any control by the State or by a public authority. No doubt

the transnationals are aware that "the State remains the least objectionable source of justice and solidarity, two principles which in the longer term are all that can justify the trend towards globalization" (François Crepeau and others: "Mondialisation des échanges et fonctions de l'Etat". Editions Bruylant-Brussels). It is a known fact that public opinion was kept in the dark where the negotiations for the Multilateral Agreement on Investment (MAI) were concerned, but one suspects the matter was by no means clear even for the Governments that were supposed to be negotiating.

15. In other words, the retrenchment of Governments like France and the United States may not be the triumph of public opinion or to the latter's pressure. There is every indication that the negotiators appointed by the Governments (generally senior officials of the economic ministries) had moved out on a limb without their Governments knowing just how far they had gone and without the Governments appreciating all the implications of the instruments which had been negotiated. If that is true, it would point to another fact. Not only do the transnationals wish to obtain a gradual relinquishment of sovereignty by the States, but they wield so much influence that in treaty negotiations the negotiators in fact give in to their wishes and consent to this loss of sovereignty.

16. The plans currently under discussion concerning trade, financial exchanges and investment amount to concerted attacks on all the prerogatives of public authority in many crucial areas such as the economy, social protection, the environment or access to culture. The underlying goal is to dismantle the scope of public authority (including the aspect of public services) for the benefit of the private scope of transnationals. But the implications of this dismantling process need to be clearly understood:

- On the one hand, of course, it is aimed at releasing all those who work with capital from the rules which social struggles have achieved little by little over the years;

- But another implication is that if the dismantling process is allowed to go ahead, in the future the democratic rights of citizens will be exercised in a total void. My elected representatives will be bereft of power and therefore my vote will become useless the day decisions of great import for the world's future are taken by the presidents of General Motors, Nestlé or Microsoft.

17. There are fields of human activity which for centuries have come under the sovereignty of the State. They include the army, justice, the police - including the residence of foreigners on the national territory - and currency. Over time, and also as a result of the struggles waged in individual countries, matters relating to the economy and to social organization have been added. These fields of sovereignty are the preserve of the "public authorities", an expression which has taken on and, it is hoped, will always retain a strong significance.

18. Under the terms of a growing number of international agreements, some of these public powers have been either delegated or transferred. Through intergovernmental treaties, some of the powers have been delegated to supranational, so called "public-law" bodies, which can then exercise the related prerogatives. In all these public institutions, whether they are national or

international, power is exercised through the more or less faithful, more or less democratic "representation" of citizens or States, the latter being themselves supposed to represent their citizens democratically.

19. Representative public bodies will then exercise their prerogatives either directly or in conjunction with other representative public bodies. One example is the United Nations Organization and the agreements concluded within that Organization; other examples include various regional institutions:

- These include agreements between States regulating the terms on which these prerogatives are exercised for the benefit (at least in theory) of private citizens; this would be the case, for instance, of the Universal Declaration of Human Rights of 1948 and the two United Nations Covenants of 1966, one on civil and political rights and the other on economic, social and cultural rights;

- Transfers may also be made to organizations which themselves hold authority; these may be specialized bodies in which governments do not merge but with which they cooperate to exercise their prerogatives of public authority, such as UNESCO, FAO or - according to a more complex operating system - the International Labour Organization (ILO), or supra-governmental organizations, such as the European Union. Thus, whether it is on a national level or an international level, a kind of "classic" model has been instituted to govern relations between private individuals and the public authorities.

20. This model has recently undergone substantial changes, however. In particular, it is now being exposed to strong attacks by transnationals, to which the States' response has been to say the least extremely ambiguous. The aim of the transnationals is to arrive at a situation where full liberalism applies, one where the States gradually relinquish all their powers of intervention in areas they consider important (such as public services, social rights, health, culture, and of course the environment). And many of the treaties currently being negotiated have the effect, as we have seen, of depriving States of their prerogatives.

21. The problem is that many States, either without thinking, or out of more or less tacit complicity with the transnationals, consent to this loss of sovereignty (and in this case the loss affects more the sovereignty of peoples than the sovereignty of States).

22. In order to dismantle State regulations, aided and abetted in many cases by the States themselves, the transnationals do not hesitate to engage in bargaining (what direct or indirect subsidies will you give me if I come and create jobs in your country?) or even blackmail (I have created jobs in your country, but if you will not allow me to bypass social regulations, I shall close my factory and move shop to a more "liberal" country).

23. This is why the States, under tremendous pressure by transnational enterprises, try to promote international agreements which liberalize money circulation and investment and open up frontiers to capital, all to the detriment of the sovereignty and rights of peoples.

III. THE UNITED NATIONS BODIES AND THEIR ROLE

24. According to its own statutes, the WTO may entertain relations with other organizations "that have responsibilities related to those of the WTO" or "concerned with matters related to those of the WTO". In other words, organizations with responsibilities other than trade (in such uninteresting areas, for instance, as human rights) are not concerned and the WTO is not expected to cooperate with them!

25. What appears much more serious, however, is this: there are a number of texts and documents within the United Nations system, ranging from the International Covenant on Economic, Social and Cultural Rights and the Charter of Economic Rights and Duties of States to texts on the environment. But the WTO's claim to be completely detached from the United Nations Organization is really intended simply to escape from protective rules, which were paradoxically adopted by the Community of States within the framework of the United Nations.

26. Something altogether new and extremely serious is happening: whereas according to its Charter and the Universal Declaration, the United Nations must strive to develop the rules that govern our world, a competing power is being set up with the contrary aim of undoing whatever progress is achieved in the United Nations.

27. After 1945, a very strong desire for independence emerged in many States which had been colonized or were under the domination of foreign powers. That was followed by a great upheaval in the system of relations between States, when a considerable number of these gained independence. By the 1960s, the newly independent States decided they wanted to play a full part in the international community. Their influence in the United Nations itself then made itself felt and the Organization became partly dominated (in conformity with its statutes, in fact) by the General Assembly, where all the States were represented, and not as today only by the Security Council (or by its five permanent members or by just one of them).

28. The scope of intergovernmental and supra-governmental bodies was extended as a result of factors such as the emergence within States of a growing wish on the part of citizens to enjoy better economic and social conditions as well as access to the whole range of culture, the corresponding extension of the role of States in these areas, the new willingness of States to deal with all these matters, and the increased role of the newly independent States in international organizations (backed by the relative but real bond between most of these States within the "third world" movement).

29. At the same time, a number of countries as well as the United Nations bodies adopted a more democratic position. On 14 August 1998, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities appealed to the Office of the High Commissioner for Human Rights to consider the human rights implications of financial and investment policies, agreements and practices. The Sub-Commission on the Promotion and Protection of Human Rights appointed two rapporteurs on the issue of globalization and its impact on the full enjoyment of all human rights. The preliminary report they submitted (E/CN.4/Sub.2/2000/13) found that some United Nations bodies had been kept out of the debate

on globalization, particularly by the WTO. One such body was UNCTAD, which had been critical of the policies of the Bretton Woods institutions (it may even be wondered whether it was not because of its critical attitude that UNCTAD was deliberately left to one side).

30. This means that the United Nations bodies should very seriously consider to what extent the WTO, the member States of the WTO and the Bretton Woods institutions have been trying to move as far away as possible from the protective system created by the United Nations. To do this, the United Nations bodies undoubtedly need the support of citizens and NGOs, which is probably one of the main reasons why the Committee on Economic, Social and Cultural Rights organized a major meeting one year before the present one (6 May 2000).

IV. THE CITIZENS

31. It may be remembered that an astonishing combined effort worldwide succeeded in halting the highly dangerous, liberticidal Multilateral Agreement on Investment (MAI) project. In democratic (or more or less democratic) States, citizens at least have a chance to influence their own future through their votes, their acts, their associations, their trade unions and their political parties. And they are now clearly determined, all over the world, to have their own sovereignty respected, which generally means having the sovereignty of their State (or regional group of States) respected. But the citizens realize that, although they can influence their own rulers, they have no grip on transnationals. This is why they cannot accept that their rulers should abandon their public authority prerogative for the benefit of transnationals, which are private groups.

32. Within these different types of bodies, the action of individuals, that is, the action of citizens, can find expression and can influence - or try to influence - the content of decisions. Just as trade union action within a Nation State can influence the decisions of that State's rulers, so action taken within one of the supranational bodies can affect the body itself. Even though it was a bitter experience, the example of joint trade union action in the European Union after the closure of the Vilevoord Renault factory shows how this type of action can work.

33. The heads of all these bodies, even though the way they are appointed may differ considerably from one institution to another, basically have two characteristics in common:

- They are appointed as the representatives of the citizens or of the public institutions concerned; and they are appointed more or less democratically, often in fact through the well-known process of bargaining between the various States concerned, but still chosen according to political criteria, that is, according to criteria reasonably related to public governance.

- Once they have been appointed, their task is to serve the institution they head to the best of their ability.

34. It is revealing, to take an example, that the whole of Europe considered that President Chirac had blundered when he said publicly that Mr. Jean-Claude Trichet would be well placed to defend France's interests as Governor of the European Bank. Practically

everybody saw it as a gaffe, since it is universally accepted that the Governor of the European Bank, whoever it may be and regardless of nationality, has the duty in office to defend the interests of the institution he or she governs (as to whether the interests of the institution coincide with those of European citizens is another, albeit very serious, matter).

35. Finally, the system described above is one where public authorities have duties to fulfil on behalf of their citizens, where they exercise prerogatives and where they agree - at least in part - on what prerogatives they should enjoy and under what conditions: whence the possibility for citizens, or for what is now referred to as "civil society", to make themselves heard loud and clear.

CONCLUSION

36. One year ago, Mr. Yves Cochet, Vice-President of the French National Assembly, stated in a question to his Government that "legitimacy is on the side of the United Nations, but power is on the side of the WTO. In other words, there is a kind of watertight separation between international law and world trade". This comment reflects legitimate concern at an alarming trend: it is now up to the United Nations bodies, but also up to the Member States and to all citizens in the world to rectify the situation while it is still time. If economic and financial pressure groups want to press their claims, they must unhesitatingly be reminded of and must submit to the fundamental principle on which the whole community of States rests, namely that the protection and promotion of human rights must guide all international negotiations.